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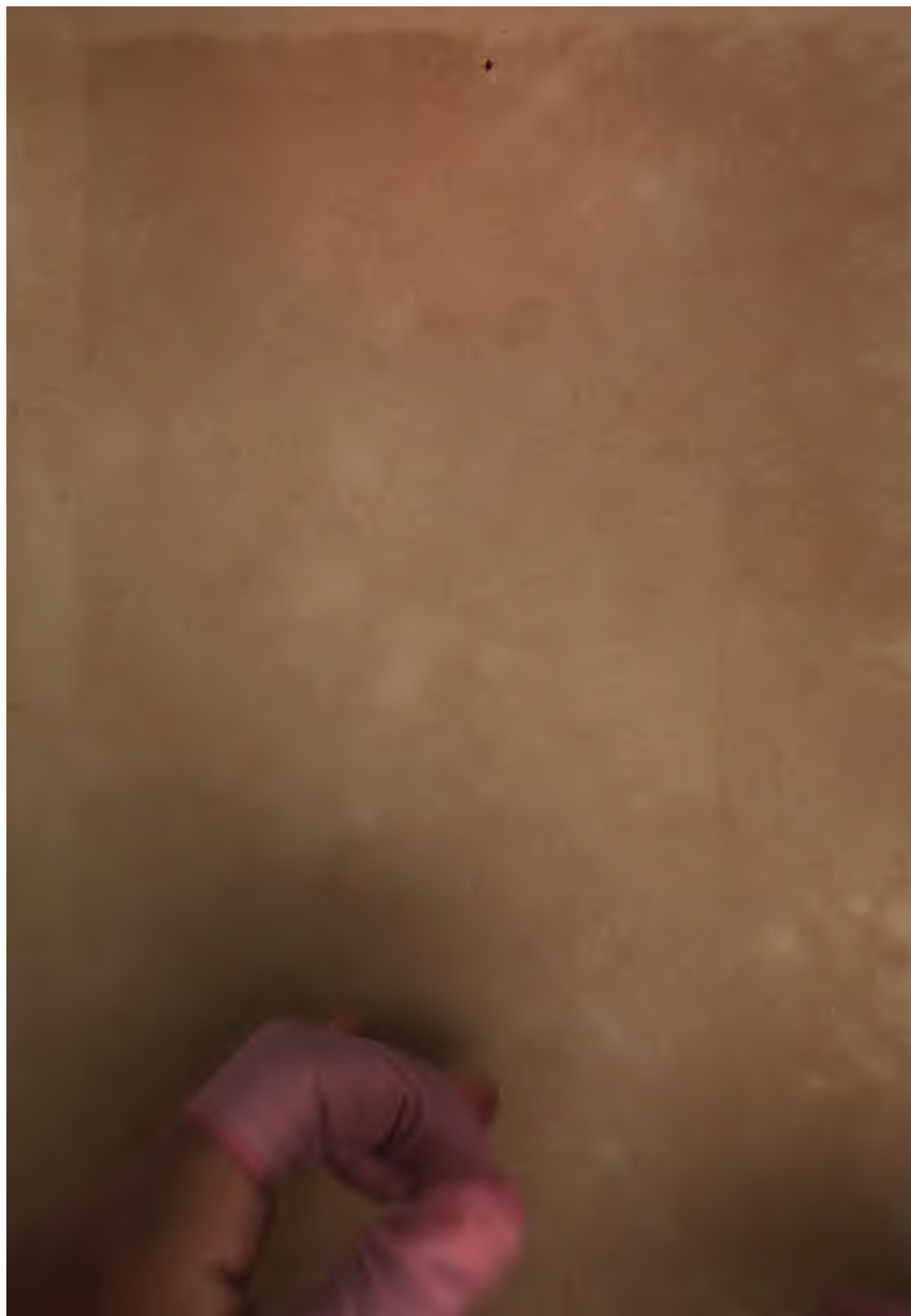
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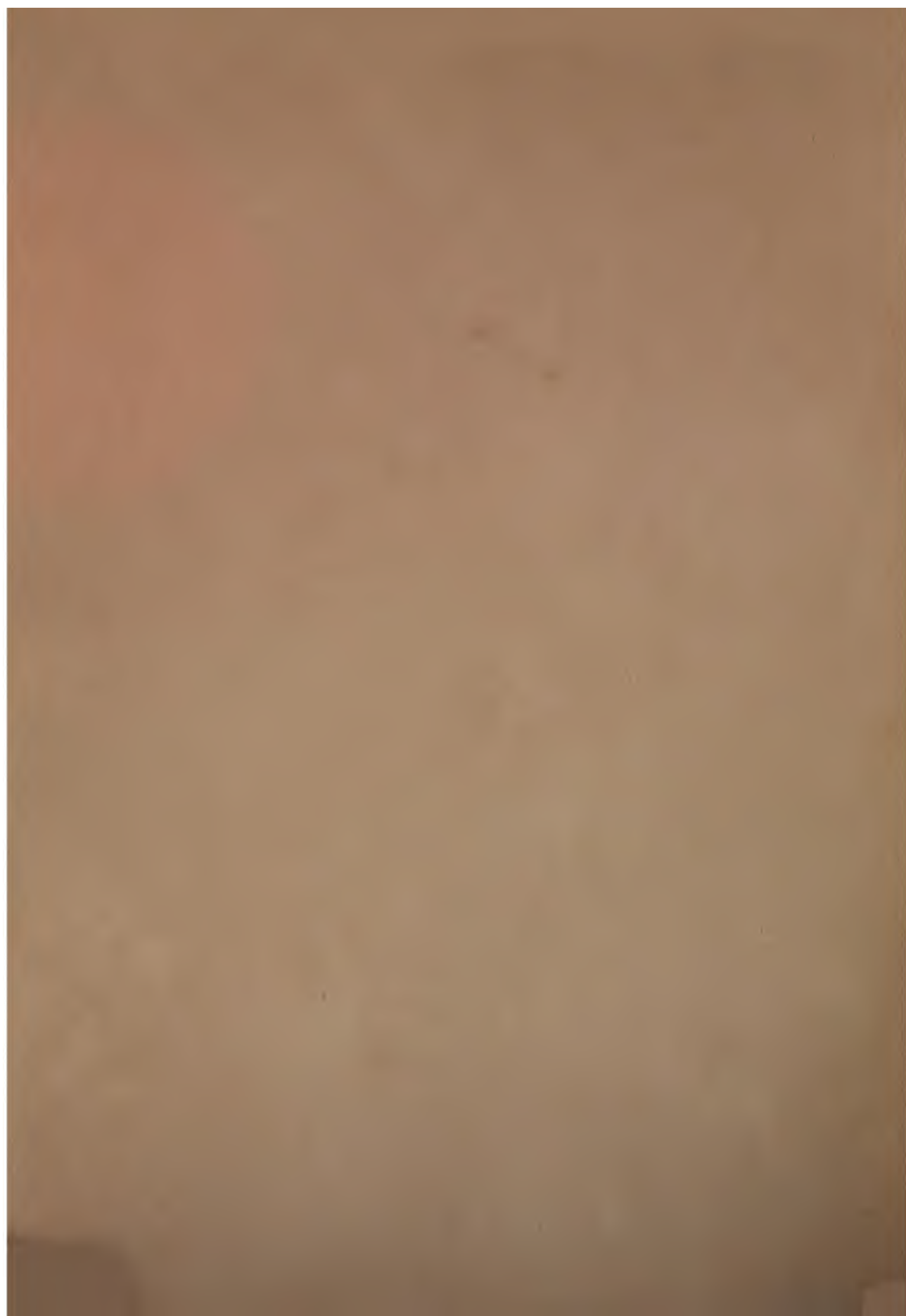


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RELATING TO THE

Jacobite Period

1699—1750

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## PREFACE TO VOL. II.

AS the "Historical Papers" came from the printer, it was found that the whole would have formed a very bulky volume, it was therefore decided to reserve a portion of the collection for a second issue. Several additional papers have since been placed at my disposal, and appear in an Appendix. A full Index to all the papers will be found at the end of this volume.

Besides the illustrations which had been retained as suitable for the papers now produced, I have, through the courtesy and kindness of the Right Honourable The Earl of Moray, been permitted to obtain from His Lordship's collection at Darnaway Castle a reproduction of the fine painting of Henry Benedict Stuart, Cardinal of York, by Blanchet; and from the Scottish National Portrait Gallery I have had contributed a likeness of Princess Louisa Mary, daughter of James II., and Mary Beatrice of Este. I beg to offer my best acknowledgments for both these illustrations, which, with the likeness of the Chevalier de St. George, represented at a later period of his life as "Jacobus Tertius," and of Prince Charles Edward, complete the series of the most notable members of the House of Stuart of the times to which these papers refer.

I am conscious of much that has been wanting on my part in editing these papers. For all shortcomings I must beg the indulgence of the members of the Club.

J. A.

CULQUOICH, *August, 1896.*



## INTRODUCTION TO VOL. II.

PAPER XXX. contains Depositions against Jacobites, and Depositions at Jacobite Trials, and has been contributed by Mr. D. Murray Rose from MS. Documents, the sources of which he describes.

Mr. Murray Rose has already rendered good service to the Club, his work in connection with "The Records of Aboyne" having been warmly spoken to by the noble editor of that volume—The Marquis of Huntly.

The following introduction to this paper is taken from Mr. Murray Rose's Notes, and, besides several original letters, contains graphic descriptions of some of the most prominent of the Jacobite leaders of the '45, whose share in the rising formed the subject of the enquiries described in these documents.

Amongst the illustrations reserved for this volume will be found portraits of some of the more famous Jacobites mentioned in the paper.

Than Mr. Murray Rose it would be difficult to find any one who possesses a more intimate knowledge of the history of the various Scottish families whose members were implicated in the '45, and of the circumstances that led up to, and the events that took place during and after, the time that Charles Edward made his romantic appeal to his countrymen to reinstate the Stuarts on the throne of their ancestors, and it is greatly to be desired that he should write the "Story of the '45."

In the hope that he may do so, I am unwilling to appropriate for this Introduction more of the valuable notes he has kindly

forwarded to me for selection, than the portions which actually refer to the individuals mentioned in the following pages. The documents now printed, and the introductory notes relating to them, will, it is believed, be found to be of very great interest—they form a most valuable addition to these Historical Papers :—

The ruthless slaughter which followed Cumberland's victory at Culloden was not to be the final reckoning. Vengeance demanded that the most prominent of the Jacobites should become amenable to the law for high treason recently enacted. Thus another deadly blow was dealt to the cause through the forfeiture of those who followed Prince Charlie, should they not surrender to justice before the 12th July. Numerous witnesses were cited before a Committee of the House of Commons in May, 1746, and their depositions against thirty-nine of the Prince's followers will be found in these pages. The evidence tendered was of a purely formal character, yet it serves to illustrate the progress of events, as well as to show how serious a matter it was to wear the white cockade.

In Jacobite families anecdotes are handed down concerning the merry pranks played by Charles upon his followers. He was a Stuart of the old race—full of merriment and gaiety; when occasion offered leading the frolic with an abandon which little suggested the great enterprise on hand. O'Sullivan seems to have been the victim of many escapades, and his dignity was so ruffled by the treatment he received, at the hands of the high-spirited Prince and his companions, that he threatened to return to France, and well would it have been for the cause had he done so.

The allusions to the personal appearance of the Jacobites are often amusing and quaint. There is the Viscount Dundee, "a low fat man and squint-eyed"; Lord John Drummond, a "pretty tall, jolly man" of dark brown complexion, who is

neither "fat nor lean," and was doubtless the happy medium. Sir William Gordon of Park, rigged out in a "sort of highland clothes"; the traitor Murray of Broughton, in his scarlet dress and white cockade, is described as a "well-looking little man of a fair complexion." Then there is the veteran laird of Glenbucket, who, very "old and crouched," rode a grey highland beast, his friend Ardshiel being described as a "big fat man troubled with a lethargy," while the young laird of Airth was a "pretty tall man," neither "thin nor fat."

From the evidence it will be seen that the service rendered by the Earl of Kellie was not of the highest order, and the men raised by him were incorporated in Roy Stewart's regiment, but his presence among the ranks of the "disaffected" led to his spending upwards of three years in prison. A man of different calibre was the Viscount of Strathallan, appointed Governor of Perth. He had taken part in the '15, and was made prisoner at Sheriffmuir, but this did not deter him from engaging actively for Charles, who appointed his son as A.D.C. He fell at Culloden, where he held a command, and, although attainted, the forfeiture did not take effect—his son James died at Sens in June, 1765.

The career of the Lord Forbes of Pitsligo is one of the most fascinating. A noble of irreproachable character, he buckled on his broadsword in his sixty-eighth year: raised a squadron of horse, marching at their head into England. After Culloden's fatal day he escaped into hiding, and, making a futile attempt to quash his attainder on account of misnomer, was compelled to reside principally among his tenantry. It is impossible to give here even a summary of the stories of his romantic escapes and adventures. Possessing a profound trust in Providence, he seemed on occasions to recklessly defy the emissaries of the law; anon he was forced to seek refuge in a hollow opening under a small bridge, which was scarcely large



enough to contain him. Sometimes he assumed the guise of a beggar, and openly wandered over his estate, his secret being so well preserved that more than once he actually received alms from the soldiers who were in pursuit of him. During the closing years of his eventful life he was unmolested by the Government, and died peacefully on 21st December, 1762, in his eighty-fifth year.

Lord Elcho's name is one not much cherished in Jacobite circles, or traditions, although he rendered good service throughout the '45. His rankerous and bitter temper brought about many incidents which are best forgotten. As colonel of the Life Guards he was indefatigable in his exertions to promote their efficiency. Like the other leaders he was extremely jealous of the Irish influence, and, never given to the mincing of words, did not hesitate to express his opinions more freely than prudence warranted. When his attainder compelled him to reside abroad, he was treated with the utmost generosity by his relatives; they granted him £10,000 in lieu of all claims on the Estate of Wemyss—a liberal sum considering the burdens affecting the property. His mother sacrificing her terce on his behalf, for a time he lived with her, but unfortunately his intractable temper led to divisions between them, and so great did her exasperation become, that she endeavoured by every means in her power to break down the family arrangement which had enabled him to enjoy comparative affluence. Nor were his relations with Prince Charles such as to commend him; they both grew selfish and peevish under misfortune, and Elcho continued in a petulant spirit because the Prince had never repaid the £1500 he advanced to him in 1745.

It is a relief to turn from a character, soured by disappointment, to the career of the Master of Lovat, who was obliged to engage in the rising under circumstances which evoke as much sympathy now as in 1746. Virtually driven into rebellion against

his inclinations, the instrument of a designing and unscrupulous father, his filial obedience at all times won for him the respect of all. Writing on the 28th March, 1745, Lord Lovat thus refers to him :—" My eldest son, who is, perhaps, one of the prettiest youths in Britain, does not take a sixpence worth for his pocket, or back, without asking my consent, and he does not fare a bit the worse for that." It was an implicit obedience to parental authority that forced him into a course he foresaw meant ruin, and one need not be surprised at his "damning" the white cockade with an energy as fierce as that with which, in after life, he fought the enemies of king and country at the head of his Fraser Highlanders. Great zeal and gallantry distinguished his career—the recognition of his splendid services being the satisfaction he had of seeing his ancestral property restored ere he died in 1782.

There was not a braver leader, or a better soldier, than Lord George Murray in the Jacobite army : undoubtedly he was the commanding genius, but unfortunately he was also a man who never outgrew his boyhood. The proud and petulant spirit he exhibited in the schoolroom at Perth in 1710 (when he pleaded with his father to send him to another seminary, because he conceived his tutor had affronted him, through refusing a privilege he was disposed to abuse), was characteristic of his life, and explains the bickerings at Charles' council table. His career is better known than that of any of the Prince's friends, for around his doings, sayings, and actions there has waged unenviable and bitter controversy. Reserved and haughty, he had never won affection as did his companion-in-arms, Lord Lewis Gordon.

"O send Lewie Gordon hame" is a ballad which testifies to the warm feelings entertained for this scion of the House of Gordon, and how pathetic is the story of the life of this young man of promise. Being brother of the "Cock of the North,"

his appearance at the Court of Charles at Holyrood evoked the greatest enthusiasm. Bred in the navy, he possessed to a large degree the bluff, winning qualities of the sailor, and the zeal with which he joined the Prince's standard led not a few of his brother's tenantry to don the white cockade. Yet there were others whom he forced to "fecht for Charlie" by stern measures. The Prince appointed him Lord-Lieutenant of Aberdeen\* and Banffshires, with a special commission to endeavour to persuade his brother the Duke of Gordon to throw in his lot with the insurgents. Another plan entrusted to him was the capture of Lord President Forbes, but the laird of Culloden was not to be caught by either Lord Lewis or Lord Lovat, who also had designs against his person. On his way northwards Lord Lewis was entertained by the Duke of Atholl—the Marquis of Tullibardine—and promised to be entirely guided by his counsels. It was the 25th of October ere he reached Huntly Castle, and writing from thence three days later to Secretary Murray of Broughton, he acquaints the latter with his proceedings. He had met the gentlemen of the district at Aboyne Castle, and also at Gordon of Blelack's house, but was surprised to find how remiss the people were in taking up arms, a circumstance he attributed to the influence of the Presbyterian ministers, against whom he determined to adopt stringent measures.

The doings of Lord Lewis have been chronicled in the previous volume. In some measure his actions were guided by the counsels of Glenbucket and his kinsman, the Duke of Perth. To the latter he wrote making apology for his inability to capture the President, or to persuade his brother either to join the Prince, or contribute to the Jacobite exchequer, yet his own zeal in the cause was great as ever. The remissness of the gentlemen to take up arms roused his wrath, while the conduct of the "parsons who inculcated lies in the people's heads" led

\* See Vol. I., p. 209.

him to threaten them. Nor did he confine himself to threats of "dire punishment" against the clergy. He summoned them before him to answer for their virulent denunciation of Charles, and dismissed them with the assurance that next time they offended he would deal with them in an effectual manner. While in command in the north his principal achievement was the defeat of Macleod of Macleod at Inverurie. Among the *Culloden Papers* is a letter he wrote upon that occasion to the vanquished chief:—

"Aberdeen, 27 Dec : 1745.

"Sir,—I received your letter by express last night, dated Gordon Castle the 24th. All the care in our power has and shall be taken of your wounded men ; and all the prisoners that were taken under their arms shall meet with all the civility in our power. But for Regent Chambers, Forbes \* of Eight [Echt], and Maitland of Pitrichie, who have acted the Infamous part of spies and informers, and the two last especially, who have given a great deal of bad advice to a certain great man, who shall be nameless, it is neither consistent with my honour or inclination to treat them as prisoners of war. I shall take care to order supplies to be given to all the prisoners who want them, and the wounded men are as well taken care of as our own. I shall send you a list of the prisoners and wounded, with any useless papers and letters as soon as possible ; and any other thing that we can reasonably agree to shall be done with pleasure."

Disaster was soon to wreck the enterprise. The victory of Falkirk, which caused the brutal Hawley to exclaim, "My heart is broke," was but the flickering light which was finally extinguished on Drummossie Moor. Although reported captured, Lord Lewis was among those who escaped, and who can now tell the story of his perilous adventures ? Sometimes lurking in the secret hiding holes in Gordon Castle, and the Castles of Huntly and Aboyne, again finding refuge in the hills and forests of Birse and Braemar, until he got on board

\* See p. 487.

the friendly vessel which bore him away from the land he loved so well. Then came prostration through the sufferings he endured : the fell hand of sickness laid him low, and he wrote to an official high in place to intercede with the king :—

“Dunkirk, Feb. 10, N.S., 1751.

“May it please your Grace—Though I have not the honour of being acquainted with your Grace, yet I hope you will excuse this piece of freedom. It is now a long time since I apply’d to the Duchess of Gordon, my Mother, to assure her of my great desire to get home to Britain. She has already made some interest, and if your Grace would do me the favour to intercede with his Majesty for to grant me a pardon, I will give all the assurances possible of my living all the rest of my life as becomes a peaceable and dutiful subject. My health has been for many months in a bad situation, and all that I desire and beg of your Grace is to have the goodness to consider my misfortunes, having no other purpose but to retire and live with my Mother in a quiet way. General Mordaunt will, I hope, give his assistance. I hope your Grace will excuse this piece of freedom, and I have the honour to subscribe myself with great submission,

“Your Grace’s most obedient and most humble servant,

“LEWIS GORDON.”

Ill-health had broken the spirit of the vivacious youth—he pined for the heath-clad hills of Aberdeen and Banffshires. Oh, if he only would be permitted to see Scotland once again he would live so quietly, and it was this yearning for his “ain countrie” that made the exile plead with his brother in the following strain :—

“Sens, November 30th, 1751.

“My Dear Lord Duke—The very bad state of health I have been in for a year has given me a great inclination to return home. Since I had the happiness of seeing you at Paris I have been 16 or 17 times blooded for violent fevers, and now I am subject to violent cholicks and pains in the stomach. Neither dare I take any severe exercise for fear of having one of these terrible fevers, and I assure you that my constitution is

become so tender that I am not fit to follow any publick business. Now, my Lord Duke, I shall begin with humbly begging pardon of you for my foolish behaviour, which I beseech you to forget, and I hope my dear brother, in consideration of my misfortunes and the melancholy state of my health, you will have the goodness to apply to His Majesty for leave to me to come home. I am not so ambitious as to think of the attainder being taken off, and all I want is just to live peaceably in Scotland without ever meddling with public affairs. I am ready to make all the submissions that his Majesty and the ministry asks of anybody, and whatever your Grace promises them in my name I assure you on honour and conscience I shall perform. Now, my dear brother, give me leave to exhort you by our past friendship, and my sincere regard for you to comply with my request, and if it please God that we meet I shall make it my honour and happiness to behave to you with all the humility and gratitude that you can desire from an affectionate brother and a faithful friend. There is one Mr. Brissack lives at Endfield, who is an old acquaintance and a good friend of mine, that will do all in his power to serve me, and if you please you may safely communicate your sentiments about me to him. I am soon to write to Mr. Brissack. In the time of my sickness I was guilty of some silly things, but that is all made up. This letter comes under cover to a friend of mine in the City of London. All I have to add is to wish you, my dear Lord Duke, all health and happiness, and the same to your young family. I beg my humble duty to the Duchess, and I remain, my dear brother, with the utmost respect and regard,

“Your unfortunate brother and faithful friend,

“LEWIS GORDON.”

“*N.B.*—The proper direction to me is to ‘Mr. George Grant,’ to the care of Mr. Theodore Hay, Merchant at Boulogne-sur-mer.”

“Mr. George Grant” pled in vain. His relatives had oft-times tried to make his position as cheerful as possible, yet spies abroad and spies at home prevented their good intentions taking effect. His pathetic letters never reached their destination, for they were intercepted and perused by officials in whose breasts

sympathy found but little place. And yet when we read the heart-rending stories with which these men became acquainted, with the piteous tales of misery revealed in the correspondence of proud and high-born lairds, the marvel is that they suppressed appeals with such callous indifference, and by a system of espionage, despicable in the extreme, prevented the friendly aid which might have brightened many noble lives. Lord Lewis lived in hope, unaware of the fact that his desires were well known to the authorities, and again addressed his brother:—

“Sens, January 17th, 1752.

“My Dear Lord Duke—Some time ago I had the honour to write you a letter which I hope you received, and now I shall begin with wishing your Grace joy of your newborn son, to whom and the Duchess I wish most sincerely health and happiness. Now, my Lord Duke, it is a long time since I had a strong inclination to return home, and for two years past my health has been extremely bad, but for this last year I have been so extremely ill that I am quite incapable of doing business, or of bearing much fatigue. I have repented sincerely of my past conduct, and have suffered very sufficiently for it. Now what I have to beg of you is that in consideration of the melancholy state of my health you will have the generosity and goodness to apply to his Majesty and the Ministry for my leave to come home. All I want is a simple permission to live peaceably in Scotland, and all my ambition is to assure your Grace that all my life shall be employed to live as becomes a dutiful and faithful subject to his Majesty, and you will see by my obedience and submission in every shape to your will that I am deserving of your Grace's esteem and protection. Moreover I am ready to make all the submission that his Majesty may desire. I think it proper to acquaint you that the Duke of Norfolk has promised to apply for my leave to come home. Having often experienced your Grace's goodness for me I have no reason to doubt of it upon this occasion, and if I have in any shape disoblged you I most humbly and heartily ask your pardon and forgiveness. I hope you will have the goodness to excuse this trouble. All I shall add is my hearty and sincere wishes for health and prosperity to all your family, and now, my dear Lord Duke, I shall

conclude with assuring you that I ever am with the greatest esteem and regard,

"Your most dutiful brother and most faithful friend and servant,

"LEWIS GORDON."

While he still lingered—laid low on the bed of pain and of death—spies reported that he was in Scotland, where his relatives were indeed astonished at his prolonged silence, and the youth, stricken of God, reluctantly concluded they had cast him off. A final appeal in the belief that the balmy genial air of Deeside might even yet prolong life's flickering flame, had the same fate as the others, so he sorrowfully turned his face to the wall: fate had decreed that "Bonnie Lewie Gordon" was to be laid to rest as an exile in a foreign land, far from kith and kin, and the country he loved so dearly.

The leanings of the Duke of Perth from early infancy were in favour of the Stuarts, and in 1740 he was one of an association engaged to venture lives and fortunes in their behalf, provided the king of France sent over troops to assist in any attempt to recover the British throne. Ample evidence of Perth's zeal, in forcing his tenantry to take up arms, will be found in the proceedings against Macgrrouther, Buchanan, and others. He exercised all his influence to prevent the jealous bickerings at the Councils of the Jacobites, and when, through the petulance of Lord George Murray, he became leader of the army, so hearty was his enthusiasm that he much preferred to efface himself and serve as a volunteer. At Culloden, and elsewhere, he behaved with great gallantry, especially when, on the fatal day which blasted the hopes of the Stuarts, the Macdonalds stood sullen and inactive, he placed himself at their head, vowing that if they advanced to the charge he would henceforth call himself Macdonald. The pride of the clan was, however, too deeply wounded, for they retired without



striking a blow. Perth escaped from the dreadful slaughter only to perish from wounds and privation. He died on the voyage to France on 11th May, 1746, his estates were confiscated, and his title attainted in the person of his younger brother, the "jolly" Lord John, who was colonel of the Royal Scots in the French Service. Recruiting for Lord John's regiment had gone on for several years in Scotland, notwithstanding the utmost vigilance of the Government. When Charles marched into England, Lord John Drummond at the head of a considerable body of men and a train of artillery landed at Montrose. They took part in the battles of Falkirk and Culloden, whence Lord John escaped to France, afterwards serving with distinction in Marshal Saxe's army, dying in 1747.

Lord Ogilvie's connection with the '45 is one of peculiar interest. He joined the Jacobites at Perth with over 600 men, and rendered good service by his loyal performance of duty. He escaped to France, where he commanded a regiment known as "Ogilvie's Regiment," becoming a lieutenant-general in the service. He was pardoned in 1778, but deeming this remission insufficient to "restore his corrupted blood to its original purity," an act of parliament was passed in 1783 to the effect that "the blood of the said David Ogilvie be, and the same is hereby restored to its original purity, as if no such attainder had ever been." He survived for long afterwards, loved and respected as Earl of Airly, and died at Cortachy on 3rd March, 1803.

His brother-in-arms, John, Lord Nairn, was one of the veterans of the '15, whose capture and forfeiture on that occasion had no deterrent effect, for he took up arms immediately on Charles' landing. He fled to France, where he died in July, 1770; his brother Robert, who assumed the name of Mercer on his marriage with Jean Mercer of Aldie, being killed at Culloden.

A detailed account of the conduct of the traitor Murray of Broughton is beyond the scope of these notes, and the record

of his life has still to be written. In his later years he occupied himself in preparing memoirs of the campaign, which have yet to see the light. There are numerous letters extant serving to show how unscrupulous was the man even when acting as secretary to the Prince. After the dispersion of the Jacobites he sought refuge with his kinsman, Hunter of Polmood, where he was seized and brought to London. To save himself he readily consented to betray his friends, and the Government, while not slow to take advantage of the information he placed at their disposal, did not treat him with any great consideration. He was admitted as king's evidence against Lovat, who designated him with contempt as "the most abandoned of mankind." Ample use was made of him as an unscrupulous tool in their purposes, but the authorities paid little attention to his piteous appeals to save his effects. The creditors swooped down on his belongings, "using all means, for the recovery of their debts, that the law allows of"—a circumstance which greatly troubled him, as evidenced by the following letter among the MSS. in the *British Museum* :—

"London, 13th Oct., 1747.

"My Lord—I am extremely sorry to be under the necessity of troubling your Grace with a letter, but the unhappy situation of my affairs in Scotland is such as I hope will plead my excuse. My creditors are now, and have for some time past been, using all means for recovery of their debts that the law allows of, while I am not in a capacity to attend my affairs myself, nor to appoint one with sufficient authority in my name. This, my Lord, makes me have recourse to your Grace to beg my discharge, which alone can prevent the small remains I now have from being carried off by my creditors, which if not at liberty will not be in my power to save how soon the Courts of Justice meets which is the first of next month. At the same time I petition your Grace for this favour, pardon me to present to you the great losses I have sustained at Broughton, of which I have endeavoured to procure pretty exact accounts, and upon a computation, very much below the value, I find they amount

to £3819 6s. 8d., without including several things of considerable value not charged. I again beg your Grace will pardon this trouble, and allow me the honour to subscribe myself with the utmost regard and esteem,

"My Lord,

"Your Grace's most obedient and most humble servant,

"JOHN MURRAY."

He lived to bitterly rue the treachery which profited him so little, and his succession to the Baronetcy of Stanhope in 1770 was not as balm to his wounded conscience.

How different were the deeds and career of the brave old Glenbucket! Fiercely enthusiastic, he endured the wracking pains of rheumatism (produced through the wounds inflicted by an attempt at assassination by the men of Badenoch many years before) and followed Prince Charlie. Neither age nor infirmity could, however, quell the fiery energetic spirit of this veteran of the '15; mounted on his highland garron there was none more active or vigilant. His was the name to conjure with, and, whether it was heard by the peasantry of Aberdeenshire or the Merse, it conveyed a vague sense of terror and alarm. Even the king trembled in his closet on hearing the uncouth appellation of this highland leader. Recruits Glenbucket wished, and recruits he must have, and any attempt to shirk his call was met with condign punishment, as the treatment of Charles Gordon, Alexander Leath, and John Burnet bears evidence. After the last fight he was compelled to seek refuge in France, but misfortune and disaster did not curb his iron soul, his frail frame contained a dauntless spirit. When compelled to reside at Boulogne-sur-mer in 1749, because of the cheapness in living, he was the only Jacobite who was "jolly and hearty." His only sorrow was the shocking treatment received by his daughters at home, and his inability to provide for them in France.

Space would fail us were we to record the doings of the Cameron men, who were the "darlings" of the enterprise. "The Camerons are all gentlemen," says one writer, and certain it is the regiment in a measure was worthy of its chief. Was it not Lochiel's adhesion which had set the "heather on fire?" Was not the capture of Edinburgh due to the Camerons? Was it not a Cameron who planned and engaged to carry out the daring escalade of the castle frustrated by the burgess Lorimer? and was it not for a Cameron that a young lady of noble lineage left her English home to follow the fortunes of her "Highland Laddie?" Besides, who but an honest Cameron could with gravity grant those receipts (by which we can trace the location of the clan) for pots, brogues, worsted, needles, &c., which were "appropriated for the use of his Majesty's army," and would be paid for when the "king enjoyed his own again." But, alas! there is another side to the story, the truth is the men were as reluctant as the others to join the standard of the Prince.

On the 9th November, 1745, John Cameron declared before the authorities in Edinburgh that "six weeks ago Dr. Cameron, brother to Lochiel, came to Cameron of Dungallon's, a nephew of Lochiel's, and now Major in his regiment, and forcibly brought from thence 500 men, mostly of the name of Cameron, threatening that if they did not come off directly he would burn their houses and cut them in pieces. But declares that upon their march several of them deserted, and particularly the night before they left Dalkeith twelve of them made their escape, as did the declarant and other three, now prisoners, from Kelso Tuesday last, and believes most of them will follow if they can get off." John Cameron was not the only clansman to make such a sweeping declaration. On the same day Hugh Cameron was examined and corroborated the above, adding that "he and several others attempted to escape when at Edinburgh, but were seized upon by Lochiel, and some of the Life Guard at a

little distance from the city, and Lochiel beat them severely with his whip." A third member of the clan said that "Dr. Cameron killed four of his cows before he consented to go with him." In this manner many of the Camerons were forced to take the field, and making every allowance it is evident there is very little exaggeration in their story, for the facts elicited at the trial of Allan Cameron of Callart show how great was the pressure brought to bear on the tenantry, who very unwillingly:—

"Left their bonny highland hills,  
Their wives and bairnies dear,  
To draw the sword for Scotland's lord,  
The young Chevalier."

Sir Alexander Macdonald and Macleod of Macleod broke their plighted faith, and raised men on behalf of the House of Hanover. A considerable number of Clanranald's men took the field under the chief's son; while the other branches of Clan Donald were led by young Angus of Glengarry and Donald Macdonald of Lochgarry; the brave and bold Keppoch, whose name was really Alexander, headed his own men, and met a hero's death at Culloden rather than survive their disgraceful conduct; Archibald, son of the "swaggering" Coll of Barrisdale, and the Laird of Glencoe were leaders of their respective bands. How these gentlemen recruited their regiments is told in the declaration of Roger Macdonald, in the *Public Record Office*:—

"Eight days after the battle of Prestonpans Glengarry's son threatened all his father's tenants to burn their houses and hang them if they did not follow the Prince's army, by which means he gathered thirty men and brought them to Edinburgh. But Glengarry's son left the rebels, and he (Roger) with the rest deserted after him, as did also the Laird of Barrisdale from Dalkeith. Glengarry's son's name is Angus—the second son who is married to Strowan's niece."

This Angus was accidentally killed at Falkirk, and while desertion was indeed rife among the Macdonalds, the fact is that he left

the army for a time in disgust, but Barrisdale was sent north on a mission to Lovat and others. On 28th September, 1745, there is a pass by Lochgarry to a party of eight men who were sent north to bring back deserters. Yet such as remained greatly distinguished themselves, until their sullen conduct at Culloden brought them undying reproach.

Nor was the laird of Cluny behind in dealing stringently with his poor tenantry. The story of how the chief of the Macphersons was captured by the Jacobites is matter of history, but his subsequent conduct in forcing out his dependents is in marked contrast to the noble generosity of these in his day of straits and adversity. Threatening to destroy their cattle and burn their houses were the methods by which he brought men to fight under the "Bratach Uaine," and unfortunately in many cases he was even better than his word, for his treatment of some of his dependents was cruel in the extreme. Yet around the "hide and seek" life of this chief, who failed to keep the tryst at Culloden, there has arisen much that is mythical and absurd. The romance of the whole story is the remarkable way in which the people of Badenoch protected and preserved, with unexampled kindness, the man who had done them so much injury.

The Maclauchlans and Mackinnons followed the evil example of the other clans. Thirty of the latter tribe deserted for the sufficient reason that "they were sensible of being in a wrong cause." Among those who suffered heavily were the Stewarts of Appin, the name of whose leader, Ardshiel, recalls General John Campbell's kindly service to Isabel Haldane, the lady of Ardshiel. There was Lockhart of Carnwarth specially excepted from all acts of amnesty, and yet had the good fortune to escape the axe of the executioner.

Where is the man who remains unmoved at mention of the pathetic story of the loyal Oliphants of Gask?—

“Thee Nairn and Gask with rapture could I sing  
Still true to God, your country and your king,  
Loyal and just, sincere as honest truth,  
The same in manhood as in early youth.”

Father and son joined Charles at Blair Athole on 1st Sept., and the old laird was appointed Depute-Governor of Perth. When on the occasion of Lord Strathallan's absence the burgesses sought by fierce attacks to recover the place, he behaved with conspicuous valour. He returned northwards with Charles, and fought at Culloden, whence father and son escaped after a series of exciting adventures. They sought refuge in France, and under their assumed names of “John Whyte” and “John Brown” there is frequent reference to their life abroad in the reports of Government spies. They endured privation with unflinching courage, but as the days passed by the heart of the elder exile yearned for his own country, and, above all, to be near the “burying place of his ancestors.” His desire that his ashes might mingle with those of his kindred was happily attained, for he died at Gask in 1769 in his seventy-sixth year. Lawrence, the younger, was a man of highest spirit; his sturdy loyalty to a hopeless cause and a luckless race; the zeal with which he celebrated Jacobite anniversaries; and the disdain with which he declined to sue for pardon from George of Hanover, unless his own king thought it worth while to write approving of his doing so, exhibits a picture of steadfastness akin to fanaticism. The prompt manner in which he dealt with his “wavering” chaplain Cruickshank, and how he tried to prevent his son Lawrence from going to Court, “because,” he writes, “though formerly Jacobites have been presented and continued Jacobites, yet a two-faced person is not a character worthy of imitation,” marks him as really the Jacobite *par excellence*.

Romance is kindled anew at the name of the yellow-haired laird of Dumnaglas, who so bravely led the Mackintoshes and fell with his face to the foe, and for whom the beautiful Miss Campbell died through grief. Then there was Malcolm Ross of Pitcalnie, whose ambition it was to acquire the Earldom to which his family aspired, and whose conduct well-nigh broke the heart of Lord President Forbes ; while the adventures of the portmanteau of Hay of Restalrig is quite a story in itself, and will for ever bear testimony to the honesty of the guid folks of Aberdeenshire. These then were among the men against whom depositions were made in absence, and whose *persona*, fortunately for themselves, escaped the meshes of the law.

There were others, however, who were not so fortunate. When the highland army retreated to Scotland the Manchester Regiment was left to defend Carlisle. On the capture of this place by the Duke of Cumberland on 30th December, in terms of the capitulation, the governor and officers surrendered themselves at the gates, while the rest of the garrison retired to the cathedral. The depositions at the trial of these Jacobites are abbreviated from the papers of Sir John Strange among the *Egerton MSS.* in the British Museum.

A special commission was appointed, which sat at St. Margaret's Hill, Southwark, on 23rd June, 1746, and during the following two days bills of indictment were found against thirty-six of the principals taken at Carlisle. The indictment narrates that these men :—

“ Not having the fear of God in their hearts, nor having any regard for the duty of their allegiance, but being moved and seduced by the instigation of the devil, as false traitors and rebels against our said present sovereign lord the king, their supreme, true, natural, lawful, and undoubted sovereign lord, entirely withdrawing that cordial love, true and due obedience, fidelity, and allegiance which every subject of right ought to bear towards our said present sovereign lord the king ; also



devising (and as much as in them lay) most wickedly and traitrously intending to change and subvert the rule and government of this kingdom . . . and also to put and bring our said present sovereign lord and king to death and destruction, and to raise and exalt the person pretended to be Prince of Wales—during the life of the late king James the second of England—to the crown and royal state and dignity of king, and to the imperial rule and government of this kingdom.”

The judges were Sir William Lee, Knight, Chief Justice ; Sir John Wills, Chief Justice of Court of Common Pleas ; Sir Martin Wright, Knight ; Sir James Reynolds, Knight ; Sir Thomas Abney ; Sir Thomas Burnett ; Charles Clarke, Esq. ; Edward Clive, Esq. ; Sir Thomas de Veil ; and Peter Theobald, Esq. After several sittings the Court was adjourned until the 15th July, 1746, when its proceedings were resumed. The counsel for the king were Sir Dudley Ryder, Attorney General ; Sir John Strange ; the Solicitor General, Hon. W. Murray, afterwards Lord Mansfield ; Sir Richard Lloyd ; and Mr. Yorke.

The first of the English Jacobites to be arraigned was Francis Townley, a Roman Catholic gentleman of good family, who behaved with conspicuous zeal in defence of Carlisle as colonel of the Manchester Regiment. There can be no doubt that had he been the governor the place would have held out to the very last, for when acquainted with the terms of capitulation he “flew into a great passion with Colonel Hamilton, declaring that it was better to die by the sword than fall into the hands of those damned Hanoverians.” He had acquired great experience in military affairs while in the French army—a circumstance used to his disadvantage when he claimed to be a French officer under commission. Among those to give evidence against him was a man named Maddox, of very bad character, so his defence was principally directed towards rendering this witness’s evidence untrustworthy.

Although there has always been a suspicion, there does not seem proof, that in the matter of the capitulation of Carlisle the Duke of Cumberland had acted dishonourably. Yet when Townley, found guilty of treason, had been executed, a pamphlet was issued containing verses entitled "Townley's Ghost"—one of the many apparitions supposed to have appeared to Cumberland, upbraiding him for his breach of faith :—

"Awake, infernal wretch ; he cried,  
And view this mangled shade  
That on thy perjured faith relied  
And basely was betrayed."

George Fletcher met the same fate as Townley, notwithstanding the defence that he had been forced out. He was a respectable tradesman in Salford, of about 28 years of age. Before his death he confessed that his mother had offered him £1000 to keep clear of the Jacobites. Macgrowther was a more fortunate prisoner, and his experience was unique. By every means in their power the authorities seemed determined to place the noose round his neck ; to prevent his escape on any grounds of misnomer he was designated "Alexander McGrowther the elder, otherwise called Robinson, otherwise Robeison, otherwise Robertson ; gentleman, otherwise farmer, otherwise yeoman." We learn from his trial something of the manner in which the Jacobite lairds compelled their tenantry to buckle on their claymores on behalf of the Stuarts, and, these circumstances being considered, Macgrowther was only sentenced to banishment. Becoming too ill to be removed, he lingered in prison until the authorities forgot his existence. Influential friends then intervened, he received a remission on 11th December, 1749, and passed the closing years of his long life in the neighbourhood of Glenartney, regaling his friends with true hospitality, and telling with glee stories of his experience in the '15 and '45, especially how he escaped being sent to the plantations.

Henry Kerr of Gredden was one of the most able of the officers of Charles ; he behaved with gallantry on every occasion, and luckily he escaped the fate of many of his companions-in-arms, owing to the representations of influential people on his behalf. The Duke of Roxburgh pleaded for his reprieve in the letter given below, the result being that he was ordered to remain for a time in the custody of the Prussian Ambassador:—

“ Berwick, July 19th, 1746.

“ My Lord—As the trials of the Scotch rebels are so near I am under the necessity of troubling your Grace by letter to intreat your good offices with his Majesty to obtain his most gracious pardon for Mr. Henry Kerr of Gredden, a gentleman related to my Family, whom I am heartily sorry to find in the number of those mad and unfortunate people engaged in the late detestable rebellion. As his crime will not admit it I will not excuse or extenuate his guilt. But as I am confident that his Majesty's inclination is always to show mercy I will venture to mention to your Grace one circumstance that may perhaps render him not altogether unworthy of it. He had the misfortune to lose his father when he was a child, and was brought up a Roman Catholic by his mother, who sent him early into the Spanish service, where he continued twenty years Captain, and has never resided at home until within these ten years, when he quitted that service.

“ If his Majesty should think fit to pardon him I should look upon it as a signal mark of his favour to me, and much wish that it could be obtained before his trial, in order to preserve his small estate to him, which if done I think I may venture to answer for him that he will ever after think his life a debt to his Majesty to be laid down for his service if ever there should be occasion for it. If your Grace shall move in his favour I shall always retain a grateful sense of it. I am shortly to be in town. I hope soon to have the honour of waiting upon your Grace.

“ I am,

“ Your Grace's most obedient, and most humble servant,

“ ROXBURGH.”

Charles Gordon, Maclauchlan, Cameron, and Burnet, like others in their defence, proved the measures adopted to recruit the Jacobite ranks, while the case of James Stormonth was happily extremely rare, for, notwithstanding the compulsion used, in the field of battle the men as a whole acted with spirit and credit to themselves. Stormonth seems to have been a "queer man" before his marriage with the heiress of Pitscandly. He was a son of Stormonth of Kinclune. On 12th February, 1747, he wrote a long letter to his father from Southwark, wherein he mentions his daily expectation of release, as he was not a "very atrocious offender." He acknowledged he was condemned to die in a way and manner which would cause no reflection on his relatives. In this letter he gave instructions for the settlement of his affairs; and it is more than apparent that his family life was singularly unhappy. He declared it was needless to descend into reflections as to what brings about this violent death, "for as I could not have family peace I was run to this extreme to procure bread." His wife, Elizabeth Farquhar of Pitscandly, was able to retain her own estate; her sister, who exerted herself to the utmost on Stormonth's behalf, was married to a nephew of the Duke of Argyll, which explains how the latter came to interest himself in the fate of Lord Ogilvie's cowardly officer.

Then there was Charles Oliphant, dressed in the uniform of Lord John Drummond's officers—short blue coat, red-laced waistcoat, and bonnet with white cockade—who was pressed into the service or "else be hanged." Mackenzie of Corrie pleaded that he was the victim of obedience to his master, Lord Cromartie, a *local tyrant*, being the latter's factor; but, notwithstanding his ingenuous defence, his letters prove that he was a Jacobite of "ardent and zealous feelings." Of Law the parson's principles there can be no question, for the clergy of his persuasion acted unflinchingly according to their convictions.

How differently the brother of the Earl of Dunmore met his fate as compared with the resolution of many of inferior rank! The case of William Murray of Taymont illustrates how far influence succeeded when placed in the scales against justice. He surrendered himself a prisoner towards the close of April, being of course confined in the Tower. A true bill was returned against him, and the other prisoners at St. Margaret's Hill, on 23rd August, 1746; the following letter shows that he had evidently been already pardoned, for his brother only tried to secure some alleviation of his condition while in confinement pending his discharge:—

“My Lord—Upon being acquainted with his Majesty's pleasure that my brother should be removed from the Tower to the Castle of Carrisbrook, in the Isle of Wight, I gave directions to enquire about the accommodation he would have there, and I am informed by Col. Auckland, Captain of that Castle, that there is no sort of accommodation there, but what he possesses. I must therefore beg your Grace to renew my former request to His Majesty that my brother be removed to the Town of Newport, under such restrictions as shall be thought proper. I only beg leave to observe that considering the condition annexed to his pardon, there can be no suspicion of his exceeding the bounds prescribed to him.

“I am with great respect,

“Your Grace's most obedient and most humble servant,

“DUNMORE.”

“Hanover Square, 1st Sept., 1747.”

He was soon afterwards discharged; became 3rd Earl of Dunmore on the death of his brother, and by his marriage with Catherine, daughter of Lord Nairn, he carried on the line of the family.

John, Lord Macleod, took part in the rising under circumstances similar to that of the Master of Lovat, and the career of both is curiously alike. On 23rd September, 1745, Forbes of Culloden wrote to the Earl of Cromartie desiring to know

whether his son would accept of a captain's commission. Cromartie replied "that he could not help thinking the circumstances in that commission so singular that he could not desire him, nor was it Macleod's own inclination to accept it." There can be no question that Lovat's intrigues were acquiring a distinct influence over Cromartie, and on 17th October that wily chief wrote one of his usual highly-strained letters, assuring the Earl, "and the worthy Countess, his dear Lord Macleod, and dear Lady Betty and all the rest of the charming family of his sincerest respects and best wishes." He informed the Earl that his son "has a vast respect for the family of Cromartie, and loves Lord Macleod, as he loves himself, and was much vexed that he did not see him."

Whatever reasons Cromartie had for pique at the Government of the day, he marched southwards early in November with his men, accompanied by his son, Lord Macleod, whose exploits are here recorded, and who was taken on the eve of Culloden at the castle of Dunrobin in Sutherland. Macleod, in his narrative of the campaign printed in *Fraser's Earls of Cromartie*, tells how on one occasion he went to Dunblane; his men, thinking he had returned home, marched out of Perth, and notwithstanding all the efforts of their officers declined to return for a considerable time. In fact he says:—"The only way one can keep these troops to their colours is by flattery and good words, and even winking at many disorders which would never have been allowed in a regular army," and he therefore resolved to pretend ignorance of what passed in his absence. He was brought to London, where a true bill was found against him on 13th August, 1746. His own feelings are conclusively shown at his trial, on 20th December following, when he tendered a plea of guilty, and addressing the Court, in words pathetic in their frankness, said:

"My Lords, I stand indicted for one of the most heinous of all crimes, that of rebellion and treason against one of the best of kings, and my

only rightful Lord and sovereign. Would to God, my Lords, I could not plead guilty to the charge! But as I cannot, I beg leave to assure your Lordships my heart never was consenting to the unnatural and wicked part I then acted. Remember, my Lords, my youth, and that I am in that state of life when an unhappy father's example is almost a law. But my heart is full from the deep sense I have of his miseries and my own; and I shall only add as I must and do plead guilty to the charge, if, on your Lordships' kind representation of my case, his Majesty shall think fit, in his great goodness, to extend his compassion to me, what of future life and fortune I may ever have shall be entirely devoted to the service of His Majesty, on whose mercy I now absolutely throw myself."

He received a free pardon, but on condition that he conveyed to the Crown on attaining his majority all right and title to the Cromartie Estates, and with this he complied. He entered the service of Sweden, where he attained distinction, being A.D.C. to the king, who created him Count Cromartie. After his return to this country he raised the 73rd Highlanders, at whose head he rendered distinguished service in India. He was created Major General, and was further rewarded by the restoration of his ancestral property.

We cannot enter into details in regard to Alexander Buchanan, or of the more fortunate Nicholas Glascoe, who, happily for himself, was able to satisfy the authorities that he was a "St. Germain's Bird." And what scenes can be conjured up in the attempts of Rattray of Ranguillan to escape from the service of the Prince, and evade the clutches of his overlord, the "high-minded Moray, the exiled, the dear" of Sir Walter Scott! The supreme moment too when the love of the gardener's wife for her husband was put to severe test, and the upward jerking of her finger revealed the hiding place of Tullibardine's recalcitrant vassal, whose treatment was surely of a stringent order.

Colin Mackenzie's witnesses throw light upon Cromartie's proceedings in Caithness and the north, but a more important

prisoner was that patriotic Scot, Charles Kinloch—brother of Sir James Kinloch. A true bill was found against him and his brother, Alexander, on 23rd August, and on 2nd September they were arraigned. They advanced a plea of not guilty, and under the Act of Union challenged the jurisdiction of the Court, claiming to be tried before the High Court of Justiciary in Scotland. The arguments by which their counsel sought to establish their contention were ultimately over-ruled, and Charles was found guilty and sentenced as in the text.

It was Thomas Chaddoch, or Chadwick, who contributed greatly to the amusement of the Jacobite officers. A cultured musician, he could play on several instruments, and was a boon companion as well, but a man of most daring resolution. During his confinement he always took the lead in trying to amuse and cheer his companions. On the morning of his execution, whilst at breakfast with his companion, Berwick (p. 446), he declared that although his time drew near he was as hearty as ever he had been in his life, nor was he sorry for what he had done, for if it was to do again he would act in the same manner.

Siddal, the Manchester barber, was a Jacobite through hereditary instinct. His father, also Thomas, took a prominent part in a Jacobite riot at Manchester on 10th June, 1715, and was executed therefor at Manchester on 11th February, 1716. In the dying speech of Thomas, the younger, "he praised God that it was permitted him to follow the pious example of his father. It was not from necessity he had joined the Prince, nor did he want an addition of riches to increase his happiness, for he was blessed with an excellent, faithful, and religious wife and five children. He owed it to God, his king and country to serve the Prince, in regard to whose character he challenged his keenest enemies to impute to him any vice; his only fault was an ill-timed humanity." Siddal, like others, against whom Samuel Maddox gave evidence, accused the latter of gross perjury. He



forgave the *pretended* Duke of Cumberland for his dishonourable and unsoldierly conduct in putting them to death in violation of the laws of nations after a written capitulation to the contrary. The clergyman who attended upon him and his friends wrote that from "the time of their condemnation, a decent cheerfulness constantly appeared in their countenances and behaviour, and I believe it may be truly said that no men ever suffered in a righteous cause with greater magnanimity and more Christian fortitude, for the appearance and near approach of a violent death, armed with the utmost terror of pain and torments, made no impression of dread upon their minds. In a word great is the honour they have done the Church, the king, yourself and themselves."

Another to meet his doom with dauntless demeanour was the "mighty gay" Dawson. As a youth attending St. John's College, Cambridge, he ran away and joined the Jacobites at Manchester, proving himself a most active partisan. In the *Scots Magazine* will be found an account of his farewell to his father. When brought to prison, after being condemned, while the officials were putting him in irons, he declared that should they put a ton weight upon him it would not in the least affect his resolution. There is, however, a tragic element connected with his death, commemorated in the plaintive ballad, "Jemmy Dawson." When, on the morning of 30th July, Townley, Morgan, Deacon, Dawson, Berwick, Fletcher, Chadwick, Siddal, and Blood wended their way in sledges to Kennington Common, there followed the melancholy procession the lady who had given her heart and hand to the subject of this note. The victims of the executioner were treated in accordance with the barbarous usage of the time, and when the heart of her lover had been thrown into the fire, she suddenly fell back dead in her coach.

Thomas Deacon, who was executed on the same day, was a son of Dr. Thomas Deacon of Manchester. Two of his brothers

were concerned; one, Robert, died at Kendal, and the other, Charles, was reprieved. Deacon, in his speech, declared his happiness in having an opportunity of dying in so just and glorious a cause (Appendix, p. 615). His brother, Charles, was compelled to witness his execution, and it is said that when his head was stuck upon Manchester Exchange his father was one of the first to see it, and, saluting it, thanked "God he had a son who could die for his lawful Prince." Such was the spirit of some of the Jacobites!

David Morgan, one of the prisoners executed on 30th July, was fifty-one years of age. He was bred to the Bar, but had an indifferent practice, for, possessed of considerable private means, his haughty and reserved manners did not render him popular, nor indeed was his profession in the least congenial to his taste. Although known as the Prince's Counsellor, he declared that he had been taken prisoner when paying a visit at Etherton Hall, in Cheshire, and detained by force, but he could not deny his presence with the rebels at many places, and produced evidence to prove that he attempted to escape. He said that, by the law of England, every man had a right to be tried by his neighbours of same state and condition as himself, but, "God, help me, I am deprived of that benefit, and I am now amongst strangers who know nothing of me." He had served the Crown of England in two campaigns with some reputation. His defence was listened to with attention, but the Solicitor-General in reply accused him of only attempting to escape when the rebels' affairs were desperate, and when his own safety and preservation rendered it imperative. The jury took a similar view, so he received sentence of death. At their execution the prisoners were "allowed neither priest nor parson," which led to a distressing scene when Morgan, carefully adjusting his spectacles, read out in a calm voice, to his fellow-prisoners, the prayers appropriate to the burial service. Like the others, he prepared

a speech wherein, with remarkable inconsistency in view of his defence, he entered into an historical account of the reasons which induced him to engage in the enterprise, and he gloried in having had the privilege of seeing the young Prince, with whom he compared the Duke of Cumberland, of course greatly to the latter's disadvantage. Nor did his judges escape scatheless. He reproached them with stupid and inveterate zeal, denounced the infamous Maddox, and impugned the veracity of Captain Vere. His was a case where the best laid "schemes o' mice and men, gang aft agley," and his proud boast that, "in spite of King George and all the people in the world, he would revisit Derby," was vain, for his head was placed on a spike at Temple Bar, a grewsome spectacle to all beholders.

Sir John Wedderburn was indicted for high treason, especially with levying the Excise for the Jacobites. The usual defence of being forced was made; and, if any credence be given to the witnesses on his behalf, the case seems clear. Sir John was son of Sir Alexander Wedderburn, of an Aberdeenshire family of repute. Sir Alexander had suffered much for his revolutionary principles, and to compensate him the Government made him a Receiver of Excise. He was, however, of facile disposition, and on his death the estates were so heavily encumbered that they had to be sold. Sir John, on taking up the succession, was obliged to occupy a small farm, where he lived in a house with a thatched roof and clay floors; and struggled desperately to maintain himself, his wife, and his nine children. When taken prisoner by the Jacobites he was compelled to act as Receiver of Excise. The receipts he had granted on these occasions were unfortunately used to his disadvantage, for an English jury with these before them credited his witnesses with a humane desire to save his life.

Sir James Kinloch and the laird of Monaltrie had the good fortune to escape the fate of their comrades. The country by

this time had become horrified at the proofs advanced of the terrible vengeance taken by the Duke of Cumberland, in murdering so many in cold blood. Even the king felt that the execution of more men would create a hostile spirit generally throughout the land; and so, for the future, the executioner's hand was stayed, for there were many still awaiting their doom. A few of those who acted a double part, especially Lord Lovat, suffered death, but to deal with them is beyond our province here.

The throne had been shaken in a terrible manner, and a troublous time had been passed; but now the power of the Jacobites was shattered, and the bloody scenes recently witnessed were not without effect. It must be apparent from these papers that there were many men who "wadna fecht for Charlie;" few indeed were those who died for love of the cause; more perished through the tyranny of their masters. It must not be forgotten that much still remains to be made public ere one can truly realise the story of the '45. Yet this is certain, the one who came through the fiery ordeal with most credit was the Prince who led such an army, and performed such gallant deeds at the head of men whose hearts were not in the enterprise. It was the personal charm of "Bonnie Prince Charlie," as well as terror of their chiefs, which made deserters, and men prone to desertion, fight as never men fought.

In concluding these notes the writer cannot but sincerely regret that they were penned at intervals during a long and serious illness, when suffering constant pain; and he would have much preferred that one more able to deal with the subject had taken it up, yet he hopes this imperfect (for such he feels it to be) attempt to throw fresh light on a most interesting period will be received with that sympathy which overlooks errors not intentional.

Paper XXXI. contains petitions from two locally well-known men of the time, and belonging to families of long standing—it is from Lord Forbes' Collection. The petitions are introduced as specimens of the many which poured in upon the Government after the rising of '45 was over. The writers of these petitions held totally opposite principles—Forbes of Echt, a Hanoverian, was the son of a man known as "a bigot presbyterian," while young Hay of Rannes had been "out" with Charles Edward.

Papers XXXII. to XXXVI. are from Lord Sempill's Collection. They refer to the condition of the country after the battle of Culloden had shattered the hopes of Charles Edward, and of his devoted adherents, and to proposals made for opening up the country and bringing it into a state of peace.

Although the enthusiasm which existed in the highlands so long as Prince Charlie was at the head of his followers had received its death blow, there was still a great deal of unrest in the country. There was a lingering hope that the Prince would return some time or other, and that "the king would get his ain again," and there were a great many of those who had joined in the rising, and were disaffected to the Government, either in concealment or moving about from place to place. They had retained or concealed their arms, and the influence they had over their followers was still unbroken.

After Culloden the highlanders of course dispersed to their native glens ; as has been already described, they had, from ancient times, been accustomed to plundering, and naturally returned to their old habits. The country above the plains, and indeed in many other places, was quite unsafe, and the authorities, after the experiences of the '45, saw how necessary it was that proper steps should be taken to watch the Highlanders, that depredations might cease—that there should be no chance of their gathering together again—and that, as soon as possible, the

country should be opened up by roads, as had been commenced by General Wade.

To carry out these measures various proposals were made, as will be found described in these papers. One of the places in the north-east of Scotland considered to be most suitable as the head-quarters of a body of troops was the village of Tarland in Aberdeenshire. Paper XXXII. is a report from Lieut.-Col. Watson to Major-General Blakeney, describing the arrangements that had been made to carry out certain suggestions, and the results so far, up to 8th August, 1747, and at pp. 306-309, Vol. I., will be found letters from Col. Watson to Lieut. Forbes, who commanded at Tarland, highly commending that officer for the manner in which he had carried out the important duty entrusted to him. The scheme would appear to have been General Blakeney's, as the next paper, No. XXXIII., a Memorial anent thieving, &c., shows. It is unfortunate that this document, from amongst the collection at Fintray House, does not give the name of its author.

Papers XXXIV. and XXXV. give descriptions of the Glens and Passes in the Highlands in the county of Aberdeen and bordering shires, and show the routes by which it was believed the thieves generally drove their plunder, and which it would be necessary to guard by detachments of troops, if the depredations were to be put a stop to.

Paper XXXVI. shows the places fixed upon as the posts for the troops necessary for the above purposes.

In connection with the foregoing subject attention may be drawn here to Paper No. XL., in Appendix, also from Lord Sempill's Collection.

Paper XXXVII.—“The Highland Reports”—I am indebted to General Sir John Forbes of Inverernan, K. C. B., for these reports. A collateral ancestor of Sir John Forbes held an important post in the army in the north of Scotland

after the rising of '45 was over, and while measures were being taken to bring the country into a state of peace and order, and copies of the despatches from the several Highland posts had been retained by this officer, and are in Sir John Forbes's possession. These reports show that the suggestions above described, as to the locating of troops, had been given effect to, and the detached parties remained at the posts indicated for a very considerable time.

Although these reports often refer to matters of routine, and are perhaps sometimes rather commonplace and wanting in exciting interest, they furnish a very complete record of the work that fell to the officers and men so employed, and show how the measures adopted to pacify the country were being carried out. The warlike element in the highlands remained for long, and a great deal of arduous and trying work had to be gone through to bring the country into a settled condition, as a perusal of these reports will show. The period embraced is one to which comparatively little attention has, it is believed, been paid, but it was not an unimportant one, and it took many years of careful supervision and watching before the desired object was attained.

#### INTRODUCTION TO APPENDIX.

##### Paper XXXVIII.

When the 1st vol. of these Papers was issued, a suggestion was thrown out that if the Aberdeen University Records contained any entries relating to the risings of '15 or '45, it would be of interest to have them included in the volume which was to follow.

Acting on this suggestion, I applied for the requisite permission to have the records of King's and Marischal Colleges examined. This was at once most courteously given, and Mr. Robert S. Rait, who takes great interest in the subject, was kind

enough to have the entries relating to the rising of '15 in King's College Records extracted for insertion in these Papers. Mr. Rait has at my request written a short introduction, which I have added below. There are no entries as regards the rising of '45 in King's College Records, nor of either of the risings in the papers belonging to Marischal College, as stated by Mr. Rait :—

*1. King's College.*

The Session 1715-16 seems to have been considerably disturbed at King's College. The Principal, Dr. George Middleton, two of the regents, James Urquhart and Richard Gordon, and the civilist, John Gordon, were all on the side of the House of Stuart, and those of the students whose sympathies were enlisted in the same cause took advantage of the Jacobite proclivities of their seniors to give evidence of their own zeal in the matter. The story of the student riots, so far as we know it, possesses purely an incidental interest. Only a few students were concerned in the disturbances. The minutes and list of entrants for the year 1715 are wanting, and the curtain is not drawn on the little drama till the 25th April, 1716. On that day the Senatus met to deliberate on the various cases of discipline. The Principal and his three colleagues, who had been involved in the rising, did not judge it prudent to put in an appearance, Principal Middleton excusing himself on the ground that he was "necessarily detained."

From the depositions of the various witnesses who were examined by the Senatus it may be gathered that, on some day in December, 1715, or January, 1716, four students—Robert Warrander, Kenneth McKenzie, William Ord, and James Gatt—had summoned a meeting in the public school, and had delivered with boyish enthusiasm speeches in behalf of King James. It is evident from the minutes that, whatever was



lacking in the speeches of the youthful rebels, there was no failure to appreciate the force of the weapon of ridicule in dealing with King George and his generals. The same students, in company with some others, had also—whether on the same occasion or not—made a raid upon the manse of Old Aberdeen and the house of an Alexander Taylor, and had done considerable damage. The minister and Taylor were, doubtless, prominent Whigs.

Some weeks after the meeting in the public school, rioting again broke out. "On the first Thursday of February," Robert Warrander, William Moir, Patrick and John Ogilvie, Angus Sage, Kenneth McKenzie, and William Ord, forced the sacrist and porter to ring the college bells, and compelled the Old Town drummer to march with them, playing his drum, to the college gate, where King James VIII. was proclaimed with all honours. A bonfire was lit and a picture, "which they called the Duke of Brunswick," was committed to the flames. Such is the course of events as described in the minutes.

The difficulty in fixing the date of the meeting in the public school, and the whole tone of the proceedings, would lead to the inference that there was a complete cessation of college discipline during the winter of 1715-16. The presence of the students, however, and especially the fact that James Gatt, who came from Cullen, is mentioned, shows that collegiate residence was not discontinued. The Senatus rusticated *sine die* all the students concerned, and devoted a portion of their bursaries to repaying the injured householders for the damages done them. One of the students, James Gatt, was afterwards permitted to return. He graduated in 1718, and became finally minister of Gretna Green, and the author of some Latin poetry, preserved in MS. Some information regarding Gatt, and a specimen of his poetry, will be found in *Scottish Notes and Queries*, Vol. IX. The sacrist, John Hay, was dismissed.

Upon the suppression of the rising, the Government appointed a Commission to visit the Universities of Aberdeen. It met in Edinburgh in 1717. The records of this Commission have, unfortunately, not been traced. The College possessed a copy, which, as we know from a Senatus Minute of 1763, was at that time accessible to all the members. A reference occurs again in 1786, when Principal John Chalmers was accused of destroying this copy. All that we know, then, is the bare fact that the Commissioners deposed the Principal, the civilist, and the two regents. The new Principal, George Chalmers, produced his presentation in the Senatus on the 22nd November, 1717, when Dr. Middleton appeared and protested. When the two new regents, John Ker and Daniel Bradfut, were admitted, their predecessors also protested. The minutes speak of these protestations as being "subjoyned"; but this, unfortunately, is not the case. Considerable difficulty was experienced in obtaining access to the rooms of the dispossessed officials, who took this method of showing their indignation at the treatment which they had received from Government.

The King's College Minutes contain no reference to the political situation of the year 1745, beyond that, in 1746, it was resolved "to pursue William Moir of Lonmay for the cess and levy money which he exacted from the College for the service of the Rebels."

## *2. Marischal College.*

The attitude of Marischal College towards the rising of 1715 was determined by the fact that its Chancellor, the tenth Earl Marischal, and his brother, afterwards the famous Marshal Keith, were prominent leaders of the Jacobite movement. During Sessions 1715-16 and 1716-17 the doors of the college were closed, and there is no record of the transaction of any college business for a considerable period. A result of this is

probably seen in the fact that, on the 7th May, 1716, some Marischal College students asked, and received, permission from the authorities of King's College to finish their course, and graduate in that University.

The deposition of the Chancellor of the University was involved in the forfeiture of the Marischal title, and the Commission of 1717 dismissed all the other officials who had shared the political sympathies of the Earl Marischal. The Principal, Robert Paterson, had died in the interval. His successor was Thomas Blackwell, who had been appointed Professor of Divinity in 1711, and who alone had remained loyal to the Act of Settlement. His colleagues, George Liddel, Professor of Mathematics; Patrick Chalmers, Professor of Medicine; and George Peacock, Alexander Moir, William Smith, and William Meston, regents, were all deposed. Meston had been tutor to the Earl and his brother, and was afterwards the author of "The Knight," "Old Mother Grim's Tales," and some Latin poetry. Such patronage of chairs as had belonged to the Earl Marischal was assumed by Government.

We have no evidence regarding the behaviour of the students of Marischal College during the Rebellion. The excitement of 1714 had evidently unsettled them, for we find, from the Aberdeen Town Council Minutes of 8th January and 17th May, 1715, that "the students of both Colledges Did in a most insolent and tumultuous maner, Insult the magistrates to the highest Degree." The motive may have been political, as the Town Council was at that moment strongly Hanoverian.

The minutes of Marischal College are silent regarding the Rebellion of 1745.

Paper XXXIX., a Declaration by James III., dated at Lucca in 1722, has been sent me by James Bruce, Esq., W.S., Edinburgh. It will be read with interest, as it is addressed not

only to the writer's own "subjects," of the three nations of England, Scotland, and Ireland, but to *all sovereign princes*, as a foundation for a lasting peace in Europe.

Paper XL. has been referred to above, see p. xli.

Papers XLI. and XLII. are from the Collections of the late Mr. Thomson of Banchory, now belonging to the Free Church College Library, Aberdeen. The former gives the speeches attributed to Prince Charles Edward and Sir John Cope to their respective armies previous to the battle of Prestonpans. The latter is an account, printed at Edinburgh on 25th April, 1746, of the battle of Culloden, with a list of the prisoners at Inverness on the 19th April, three days after the battle.

Paper XLIII. is the dying declaration of Thomas Theodore Deacon, the particulars of whose trial will be found at p. 446. The original document was found amongst a number of old papers that had been made over to me some years ago, and furnishes the fullest confirmation of the particulars referred to by Mr. Murray Rose in his Introductory Notes (see p. xxxvi. of Introduction).

Papers XLIV. and XLV., which conclude the collection, have been sent me by Mr. Murray Rose. The former contains two petitions to the Secretary of State by Patrick Stewart and Robert Maxwell, who had been pressed to enlist in the "East India Independent Companies" after they had been released from prison at Carlisle. Both petitioners remonstrate strongly against the injustice of being forced to enlist against their wishes. The petitions indicate the pressure used to induce men at that time to enlist for Indian service. The latter (XLV.) is a petition from James Farquharson of Balmoral, who states that he had been induced by his elder brother, "whom he regarded as a parent, to enter the late Rebellion." The paper is so far remarkable that it contains a recommendation in favour of the petitioner, signed by the whole of the members of the Presbytery

of Alford ; the reasons why the Royal clemency should be extended to the petitioner may be of interest. A similar document was signed by the whole of the ministers of the Kincardine O'Neil Presbytery, within whose bounds the petitioner's estate of Balmoral lay. The result of the various representations to the King's Most Excellent Majesty does not appear. Farquharson was of the Invereye family ; was severely wounded at the battle of Falkirk in January, 1746, and had to be conveyed home ; he was not again in arms.

In submitting the remainder of these Historical Papers to the Club, the Editor begs to offer his best thanks to all who have assisted him. To Mr. Murray Rose, whose very interesting contribution has been specially referred to at p. ix. of the Introduction ; to Sir John Forbes, K.C.B., of Inverernan, for the Highland Reports ; and for the papers which appear in the Appendix, to the following—Mr. Robert S. Rait, who made the extracts from the Records of King's College ; Mr. James Bruce, W.S., through whom the likeness of Princess Louisa was obtained, for copy of the Declaration by James III. ; and the Rev. Dr. Salmond, for the papers from the Library of the Free Church College ; also to the Rev. Dr. Cooper and the Rev. J. G. Michie, for the aid they have so kindly given.

The Editor begs specially to acknowledge the trouble taken by Messrs. G. W. Wilson & Co. in producing the illustrations, and to repeat his best thanks to Mr. P. J. Anderson for his kind assistance in the issue of the present volume.

In conclusion, the Editor feels that he cannot omit from his acknowledgments the name of his daughter, Miss Mabel D. Allardyce, whose help in the laborious work of transcribing many of the papers which had been selected, and in preparing a very full Index, has been of the greatest assistance.

J. A.

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"This has originally been a simple oblong tower, to which various additions have within comparatively recent times been made, giving it an imposing and strongly fortified aspect. The castle stands on a height amongst the uplands of the head streams of the river Don, an inaccessible and dreary country. Tradition states that it was built by one of the Earls of Mar as a hunting-seat. It afterwards belonged to the Forbeses,\* and was destroyed in 1581 during their feuds with the Gordons. Indeed this castle disputes with Towie the uneviable distinction of having been the scene of Adam Gordon of Auchendoun's horrid tragedy.

"Two solitary corbals remain to indicate where the parapet walls originally was.

"In 1746 the Government purchased the castle from Forbes of Skellater, and kept fifteen to twenty men stationed in it.

"This would form an outpost from Mar Castle, one of the principal garrisons for keeping the Highlanders in order. At the above date extensive alterations were made upon it to suit it for its purpose.

"An enclosing wall was run round the whole, provided with salients for the defence of the flanks, and well loop-holed, in the same manner as the enclosing wall at Mar Castle.

"This is perhaps the most interesting point about this lonely castle, which thus, along with a few others, brings the history of fortified houses in Scotland down to so recent a date as the middle of the last century."—*From The Castellated and Domestic Architecture of Scotland, by Macgibbon & Ross.*

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DUCHESS OF PERTH.





DUCHESS OF PERTH.

XXX.

DEPOSITIONS AGAINST JACOBITES.

THE EARL OF KELLIE.

Lieut. CHAS. CAMPBELL.—The Earl of Kellie in September or October was frequently seen in Edinburgh with his broadsword, cockade, and highland dress. He dined with the Pretender's son.

*Q.*—What did the white cockade signify?

*Ans.*—We thought every man who wore it had joined the rebels. I never saw the Earl of Kellie march with any body of men.

WM. HASTIE (Surgeon).—Alexander, Earl of Kellie: I saw a person so called at Edinburgh, but not in the rebel army. He did not come into England. He was at Edinburgh in the ordinary dress, but with a white cockade. I did not see him do any hostile act. I don't know that any wear cockades but rebels. Upon recollection I saw some surgeons, who were forced out of Edinburgh, wear white cockades. None else that I saw wore white cockades. I never saw him with the rebels, nor in arms.

*Q.*—In what company?

*Ans.*—I saw him frequently with gentlemen in the highland dress.

JOHN GRAY.—As to Alexander, Earl of Kellie, last Christmas I saw him drunk in the streets of Perth, a great many highland-men by him. I never saw him act otherwise than being drunk again.

JAMES LOGIE.—I saw a man in the streets of Aberdeen, in February last, called Earl of Kellie. I saw him with a sword by his side. He came in with the rebels. I saw him come into Aberdeen. He was generally called Earl of Kellie. He had no command so far as I know. He did not

appear at the head of any body of men. I never heard he was an idiot. I never heard him called Earl of Kellie in his own hearing. He came in with the rest of the gentlemen with about 2000 foot, and 600 horse deemed rebels—drums beating, colours flying, and bagpipes playing. He was not in highland dress. He had a small sword. I never saw any but rebels wear white cockades, nor any that I know for protection. I have seen him three or four days. I did not see him march out of Aberdeen with the rebels, but it was the common notion that he marched out with them.

*Q.*—Have you not heard that some were forced in that service?

*Ans.*—I have heard that some private men were forced by Lord Lewis Gordon. He appeared between 50 and 60 [years of age]. I am not very certain that I should know him again.

*Q.*—Was he given to drinking?

*Ans.*—I have heard so. I can't say how far he was disordered by drink.

#### WILLIAM, VISCOUNT OF STRATHALLAN.

JOHN HICKSON (Vintner in Perth).—Viscount Strathallan: I saw him attending the young Pretender at my house in same manner as the Duke of Perth and Lord George Murray did. He was the only man of them not in highland clothes. He dined and supped often with the young Pretender. I did not see him do any hostile act, or at the head of any body of rebels, but I saw him in the street when bodies were in motion. I have not heard that he was made Governor of Perth. I did not see him after the battle of Prestonpans. I can't remember seeing him go out of Perth. It was early in the morning, and they were in a hurry.

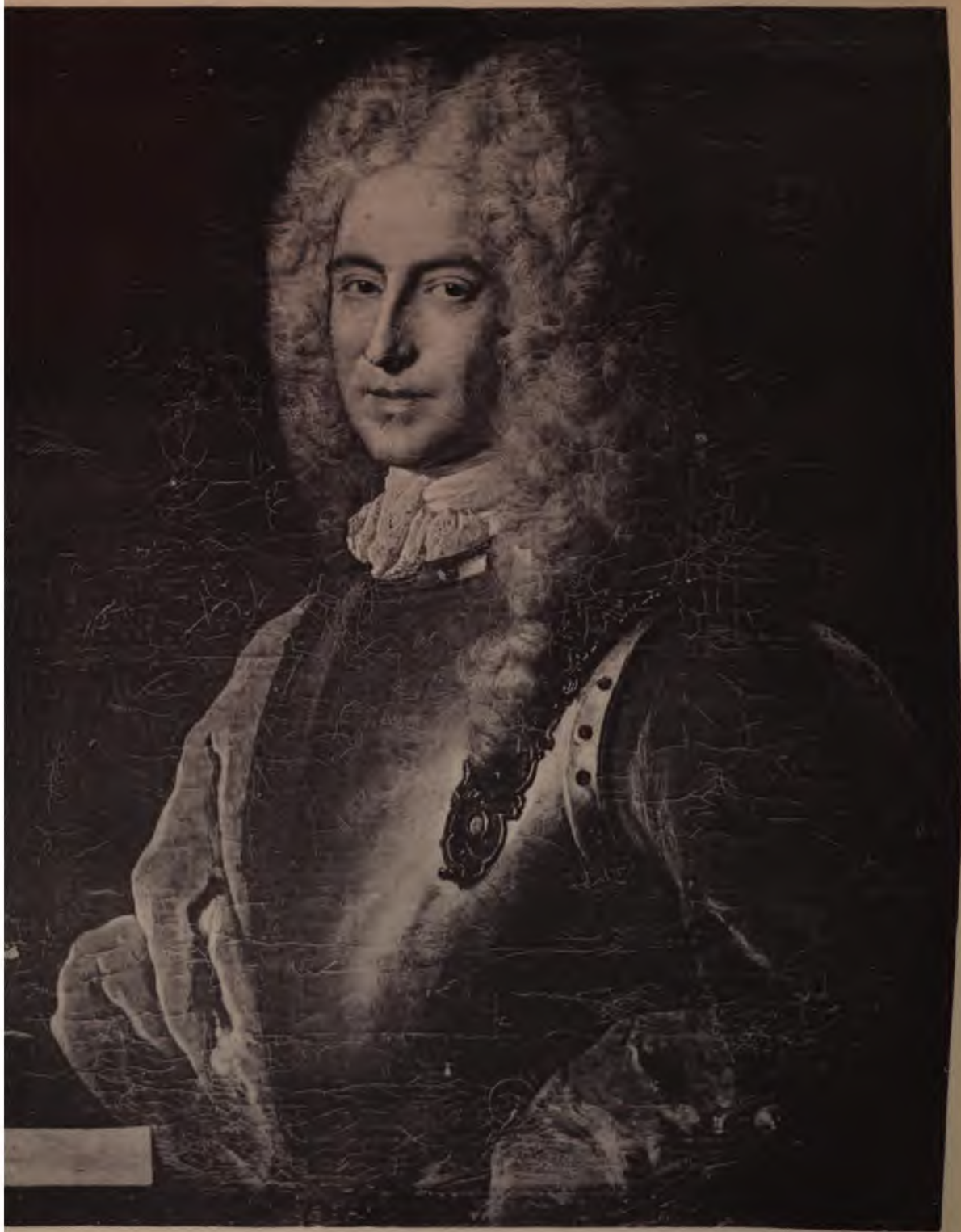
*Q.*—By what appellation did he call the Pretender's son?

*Ans.*—He called him "His Highness." I did not observe that he had a white cockade. Sometimes the word "Royal" was before "Highness."

JOHN BARCLAY.—I never saw him before the rebellion. I never saw him but at Perth, and then I saw him act as Governor of Perth. I saw him among the rebels there—among a guard of 200 deemed rebels. I saw him on foot with a small sword by his side. He was generally







LORD PITSLIGO.





LORD BYRON

esteemed Governor of Perth under the Pretender. He commanded the Aberdeen battalion deemed rebels.

*Q.*—Was he Governor of Perth on the King's birthday, the 30th Oct.?

*Ans.*—I was not there then. He was generally understood to be Lord Strathallan.

LORD PITSLIGO.

Lieut. CHAS. CAMPBELL.—I did not know Lord Pitsligo before the rebellion, but in October and November I saw him (he is an old man) at the head of his men, drawn up along with the Life Guards, a body of horse called Lord Pitsligo's Horse. He had a white cockade and his sword drawn. I heard him called by that name, and he answered to it. I saw him several times, and he was generally understood to be Lord Pitsligo. I saw him several times before as one of the rebels. He is an elderly man about my size.

JOHN VERE.—Lord Pitsligo: He was Colonel of a Regiment of Horse. I saw him first at Ashburn. He marched as part of the rebel army. I did not know him before, but he was called Lord Pitsligo before me. He was drank to by that name and answered to that name, and was generally called so.

DAVID WEMYSS, LORD ELCHO.

Lieut. CHAS. CAMPBELL.—David, Lord Elcho: I knew him before. I saw him come into Edinburgh on the Pretender's left hand. In September, October, and November last I saw him exercise his Life Guards, and he was Colonel of the Pretender's eldest son's Life Guards. I saw him frequently in highland clothes.

JOHN VERE.—Lord Elcho: I had known him before the rebellion. I saw him first at Macclesfield, then at Leek, then at Derby, and after that on the road to Carlisle. I marched with his regiment—he at the head of it; he drew up the regiment.

WM. HASTIE.—Lord Elcho: I knew him before. I saw him at Edinburgh as an officer of the rebels. He marched into England, and returned with the rebels, it being from November to February.

HUGH DOUGLAS.—I was Lord Elcho's servant. I went with the rebels from Edinburgh to Derby, and back again to Perth. I came from Edinburgh with the rebels, when all the rest came, last winter.

JAMES DRUMMOND, ELDEST SON OF VISCOUNT STRATHALLAN.

JOHN VERE.—James Drummond, heir apparent of Lord Strathallan: He was A.D.C. to the Pretender. I saw him at Macclesfield and other places in December last. I saw him armed with a broadsword and pistols. I saw him go with the Pretender, and give orders to come and help to mend the axletree of the money cart. He marched with the rebels. I did not know him before. He was generally called the Master of Strathallan, and answered to the name.

WM. HASTIE.—James Drummond, eldest son of Viscount Strathallan: I saw a person (so called and understood) in a highland dress, and in arms with a broadsword and pistols in the Pretender's son's army. He had a command, and was generally on horseback. He rode along with the Pretender's son out of Edinburgh, in November, with a great number of rebels. I saw him in England, all the way in the Pretender's son's army, in December last. He went about as an officer. I was along with them in the army from the first of November to February, and saw him all that time.

JAMES LOGIE.—I have seen a man called Master of Strathallan. I take him to be Lord Strathallan's eldest son. I never knew him before. He was in February last at Aberdeen, in the highland dress, in the High Street. I never heard him say or do anything. He had the highland habit, and wore the white cockade and a broadsword. I did not see him at the head of any body of men. I saw him speaking with several gents. who were rebels. I never saw him give any orders. I knew only that he wore the highland habit. The men, I think, were one day drawn up. I did not see him there. Lord Strathallan's horse were quartered, I heard, a little out of Aberdeen. It was a common report that the Master of Strathallan was quartered in the Old Town of Aberdeen. The men drawn up were foot—all but some of Lord Balmerino's horse. They were drawn up, as I was told, to receive their pay. All men had swords, some had firelocks. Most of the foot had bayonets when they marched.

## SIMON FRASER, ELDEST SON OF SIMON, LORD LOVAT.

WM. HASTIE.—Simon Fraser, eldest son and heir apparent of Simon, Lord Lovat: I saw him in the rebellion. I heard him generally called Master of Lovat. I saw him in the latter end of January at St. Ninian's. He joined the Pretender's army with the Frasers, being 2 or 300 in arms, and marched with the rebels.

JOHN GRAY.—Simon Fraser, eldest son of Lord Lovat: I saw a person called Master of Lovat at Perth, in the street, in highland clothes, with a dirk by his side. He belonged to the Frasers, and they belonged to the Pretender, as I suppose. This was at Christmas. I had a conversation with him about my liberty, which he obtained. I understood he was at the head of the Frasers, and came to serve the Pretender.

GEORGE HAY.—As to Simon Fraser, I saw him near Stirling in January last in a room, not with any body of men. One Captain Fitzgerald was prisoner under the Master of Lovat's care, and was kept prisoner for the Pretender. The Master of Lovat did not talk of him as his prisoner. It was the Master of Lovat's room, and he appeared as an officer for the Pretender. I never saw him but in that room. He sat in the room with the prisoner, whom I never heard say he was the Master of Lovat's prisoner. My master told me that Fitzgerald was prisoner to Master of Lovat. My master was used as surgeon for the rebels. I marched with them all the way to Derby.

GEORGE MURRAY, ESQ., CALLED LORD GEORGE MURRAY, BROTHER TO  
JAMES, DUKE OF ATHOLE.

CHAS. CAMPBELL.—Lord George Murray was at Edinburgh in the months of September and October, 1745. Lord George Murray was very often seen in arms with his broadsword and pistols, giving directions in Holyrood House, and particularly one night was going up with a design (as was said) to make an attack upon the Castle. The directions appeared to be military directions on the part of the rebels.

JOHN HICKSON (Vintner in Perth).—Lord George Murray: I saw him come into my house when the Pretender was there in September

last, and he was very often with the Pretender's son. I did not see him in arms, but in the highland dress. I believe he had a broadsword and cockade, but I don't positively remember. I did not see him on a march, but in company with some officers. I saw him in company with the Pretender's son, with whom he dined and supped very often. He was treated by the rebel officers as a General Officer. I saw him after the battle of Prestonpans. I knew him many years before. He is brother to the Duke of Athole.

JOHN VERE.—Lord George Murray: I saw him at the same time in arms as a highland man, with a broadsword. I saw him at the head of the rebel army from the 2nd or 3rd to the 20th. He was Major or General, and had a regiment of his own.

WILLIAM HASTIE.—Lord George Murray: I saw the person so called marching in arms with the rebels. He generally went at the head of them.

LEWIS GORDON, ESQ., COMMONLY CALLED LORD LEWIS GORDON,  
BROTHER TO COSMO GEORGE, DUKE OF GORDON.

JOHN GRAY.—As to Lord Lewis Gordon, I know him now. I saw a company of men, who said they were at his command. I was brought prisoner by them before him. He asked my business. I was released upon a promise I should make no discovery. I took Lord Lewis Gordon to be in the service of the Pretender.

Q.—Did they take you prisoner as a person not in the Pretender's interest?

Ans.—Yes. They did not swear me that I would not discover anything, but I gave an obligation that I would not be in arms against the Pretender for six months. Lord Lewis Gordon required this obligation. Lord Lewis Gordon called the Pretender "King," and his son the Prince of Wales. He was generally reputed to be Lord Lewis Gordon, and he styled himself so. The words of the obligation—"I oblige myself not to carry arms against King James the 8th or the Prince of Wales for six months," addressed to Lord Lewis Gordon, Lord Lieutenant of Banff and Aberdeen, and Lord Lewis Gordon

attested a copy of the obligation. He gave order for levying the cess, as I heard, for the men in arms for the Pretender.

JAMES LOGIE.—Lord Lewis Gordon: I knew him before by sight. I saw him 2 or 3 months together at Aberdeen in Oct., Nov., Dec., and January last. He was called Governor of Aberdeen, Lord Lieutenant of Banffshire and Aberdeenshire for the Pretender's son. I saw him frequently. He had possession of the Town House, and was frequently with armed men, about 150 or 130, sometimes 200, sometimes 400, who were deemed rebels. I saw these men come in and go out. He went in and out only with his servants. Excise money (as was the general notion) was collected by his men. Lord Lewis Gordon sent a party of his men to the Custom House officers to demand the keys (as I was informed), and to me they said they came from the Governor of Aberdeen. They called him Governor, but I think they meant the Deputy-Governor, Wm. Moir, and I saw the Collector deliver the keys. I never demanded any money, nor received after this. The merchants told me they paid to persons appointed by Lord Lewis Gordon. He kept possession of the Custom House. He then said they came from Lonmay, the Deputy-Governor. It was the common reputation that the customs were paid to persons appointed by Lord Lewis Gordon. They threatened the Collector with imprisonment if he refused the keys, and said they would carry him to the Governor. I never saw Lord Lewis Gordon with the armed men who came for the keys, but I saw him with the officers, one of whom demanded the keys. I have told the merchants they must be obliged to pay the money over again.

The Deputy-Governor was deemed deputy to Lord Lewis Gordon for the Pretender. No Governor of Aberdeen was appointed by the King.

Q.—Was a Collector of Customs appointed by Lord Lewis Gordon?

Ans.—Wm. Hutton. I heard so. Wm. Moir was always called Governor, and was the acting Governor. I believe he did not do anything without Lord Lewis Gordon's knowledge. He was in town all the while Lord Lewis Gordon was in town. He was appointed Deputy Governor, as I heard, by Lord Lewis Gordon. He is, I know, Duke of Gordon's brother.



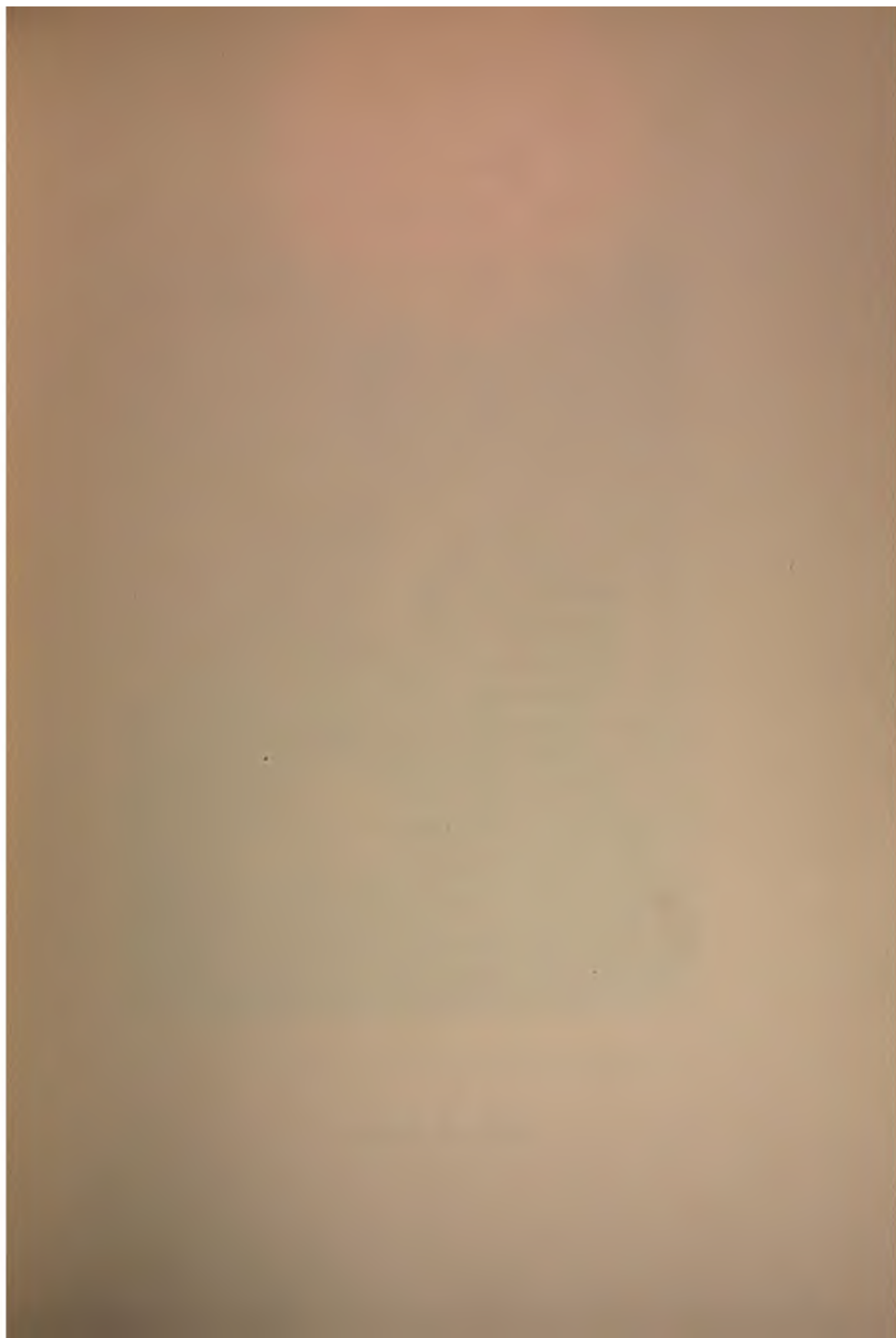
JAMES DRUMMOND TAKING UPON HIMSELF THE TITLE OF  
DUKE OF PERTH.

CHAS. CAMPBELL.—(He acquainted the House what persons he had seen in the present rebellion.) Being asked by Mr. Speaker, he said: James, Duke of Perth, came with the Pretender's son into Edinburgh, on his right hand. David, Lord Elcho, was on the Pretender's left hand. There were a great many with them in arms. Donald Cameron of Lochiel was there; Lord Pittsligo headed a party of Horse with Graham, Lord Dundee. Alexander Macdonald of Keppoch was with his regiment in Edinburgh; saw him frequently there. Gordon of Glenbucket was seen both at Edinburgh and near Carlisle. Lord Ogilvie was seen within three miles of Carlisle. Charles Stewart of Ardschiel was at Edinburgh. The Earl of Kellie was seen at the same time, also Alexander MacDonal of Glencoe. William Fydler, belonging to the Exchequer, was seen at Edinburgh in a highland dress, also two sons of Rollo of Row House. The eldest son of James Graham, the Earl of Airth; James, Duke of Perth (his surname is Drummond) rode into Edinburgh on the Pretender's son's right hand, and I saw him dine with the Pretender's son, and in arms several times in Edinburgh, giving directions to the rebels.

JOHN HICKSON.—I saw James Drummond, Duke of Perth, in Perth in September, 1745, attending on the young Pretender. He walked, dined, and supped with him. He had highland clothes, white cockade, and broadsword. I believe he had a command; I did not see him do any hostile act. There was none done in that place; I saw him among the people, whom I took to be military men, in Perth. I did not see him give military directions. The Duke of Perth was in company with Sullivan, Kellie, and Sir J. MacDonald, who were reputed rebels, and this in my house. I saw the Duke of Perth with a highland dress and broadsword. I did not see the ceremony of proclaiming the Pretender. The young Pretender came downstairs, asked for Sullivan, and pulled him out of bed. The Duke of Perth came frequently to the Pretender's son and Sullivan.

*Q.*—Did you know the Duke of Perth before?

*Ans.*—Yes, a great many years before.





DUKE OF PERTH.





DUKE OF PERTH.

*Q.*—Did you see him afterwards at Edinburgh?

*Ans.*—Yes, I saw the Duke of Perth marching with the highland army which fought the battle of Prestonpans. He had a white cockade, and so had the rest. A white cockade was the distinguishing mark.

*Q.*—Did you know any favour obtained by the Duke of Perth for the prisoners?

*Ans.*—He came into the place where the prisoners were, and I spoke to him and Lord Nairn out of regard to several officers, because I believed the Duke of Perth had power to do it. The Duke of Perth and Lord Nairn told me that Mr. Sullivan and the foreign officers were against it. The Duke of Perth and Lord Nairn said they would make a point of it. The French officers proposed that the prisoners should be detained till all should be settled.

*Q.*—What time was there between the seeing the Duke of Perth at Perth and Edinburgh?

*Ans.*—I saw him when he left Perth in Sept., and in Edinburgh the day the prisoners were brought there. It was the Monday after the battle of Prestonpans.

*Q.*—Did the Duke of Perth and Lord Nairn obtain what they proposed?

*Ans.*—I cannot tell; I left Edinburgh the day after.

*Q.*—How came you to go to Edinburgh?

*Ans.*—At the desire of Lady Murray to inquire after her husband, who was in Sir John Cope's army.

*Q.*—Were the prisoners at Perth when you were there?

*Ans.*—I came from England the Tuesday after the battle.

*Q.*—Did not some people at Perth wear white cockades for protection?

*Ans.*—I cannot say, being confined at my house, nor do I remember it was said so.

(Being asked whether he was not himself engaged in the Pretender's cause, he was directed to withdraw. The opinion of the House was that the question was improper. He was called in again.)

*Q.*—When did you go from Edinburgh?

*Ans.*—Tuesday evening.

*Q.*—Did you send Lady Murray any word?

*Ans.*—She came to Edinburgh on Monday, and I saw her husband.

JOHN VERE.—I was in the army. As to the Duke of Perth, I saw him at Macclesfield, 3rd Dec. I was examined by him, when I was taken. I had seen him before in London. They asked me several questions. What number of troops the Duke had? I told him about 12,000. They then asked me as to the number of each regiment, and the number of regiments at Newcastle. Duke of Perth asked me as to the grounds about Newcastle, the artillery, and other questions. The Pretender's son came in and asked me why I was his enemy. I saw him in arms, he had a black cap, a Turkish scimitar, and he was St. Gent. (*sic*), at least they called him so. He was with the rebels. They all had white cockades.

WILLIAM HASTIE.—The Duke of Perth, so called, I saw him frequently along with the rebels in highland dress. I heard him called Duke of Perth as he was passing by. I saw him among the rebels as they marched.

JAMES GRAHAM OF DUNTROON TAKING ON HIMSELF THE TITLE OF  
VISCOUNT DUNDEE.

CHAS. CAMPBELL.—James Graham, called Viscount Dundee: In October and November he was at the head of the Life Guards belonging to the Pretender's son. He commanded a company of those Guards. He is a low fat man, and is squint-eyed.

JOHN VERE.—Lord Dundee: At Leek I saw him and heard him called Lord Dundee, and he was generally so called. On 6th Dec. he was at Leek, and was Captain in the troops of Horse Guards belonging to the Pretender. I saw him on the march with the rebel army.

HUGH DOUGLAS.—James Graham of Duntroon, called Lord Viscount Dundee: I know Lord Dundee. I first saw him at Edinburgh whilst the rebels were there, before they marched out of Edinburgh; he was always called Lord Dundee. He went to Derby with the rebel army and back again. He commanded a troop of the young Pretender's Life Guards. I saw him every day at the head of the troop, marching as a rebel with the rebels. He was Captain of the troops this winter.

## JOHN NAIRN, LORD NAIRN.

CHAS. CAMPBELL.—In September and October last I saw the man, called Lord Nairn, once or twice about the Holyrood House ; but I never saw him before. He had a white cockade, but was not in highland dress.

JOHN HICKSON.—Lord Nairn : I saw him in Perth the first night of September, with Cameron of Lochiel. He took possession of my house, and likewise of the town. He was in a highland dress. I did not see him do any act of hostility in Perth, but I saw him on the march at the head of the King's officers. He commanded the Guards, who had the care of the prisoners. This was the Lord whom I applied to for favour to the prisoners in the Canongate. There was a guard in the town appointed by the Magistrates, but possession was after taken, as was understood, for the Pretender's son. He is John Nairn. I knew him many years before.

*Q.*—How soon did the Pretender's son come to the house ?

*Ans.*—Two days after as I believe.

JOHN VERE.—Lord Nairn : He is Colonel of a Regiment of Foot, and acted as Brigadier on the march of the rebels from Macclesfield to Derby. The young Pretender gave orders to Lord Nairn to line the hedges the 15th December. I saw him every day on the march ; he marched with the rebels.

WM. HASTIE.—I saw Lord Nairn all the way with the rebels ; he was generally called Lord Nairn, and was among the rebels on the march, as an officer, from November to February.

## DAVID, LORD OGILVIE.

CHAS. CAMPBELL.—Lord Ogilvie : On the 10th November I saw him march at the head of 200 men near Carlisle. I saw him frequently at Edinburgh in the same month, and he was called Lord Ogilvie. The men he headed were in arms for the Pretender.



JOHN HICKSON.—David Ogilvie, commonly called Lord Ogilvie: I have known him several years. He was a schoolboy in Perth. He came up stairs in my house next day after the Pretender's son came, and asked for the Pretender, whom he called the Prince Regent. I never saw him in arms. He was in the lowland dress. I don't remember that he had a cockade. He went back to his own county to fetch his men, for the Pretender, as was said. I heard him say he was going home, and hoped in a few days he should bring his men with him. I did not see him above twice with the Pretender's son. He asked for the Pretender's son by the name of "Prince Regent." He called the Pretender's son in my hearing "Royal Highness."

JOHN VERE.—Lord Ogilvie: I never knew him before I saw him with the rebels; but he was called Lord Ogilvie in my hearing, and generally so called. I saw him in arms near the young Pretender, in the rebel army, with his own regiment.

WM. HASTIE.—Lord Ogilvie: I knew him before; he was along with the rebels, as an officer, in arms from November to February.

JOHN DRUMMOND TAKING ON HIMSELF TITLE OF LORD JOHN  
DRUMMOND.

JOHN GRAY.—I saw Lord John Drummond at Perth in highland clothes, but not giving directions to the rebels. I was 16 days a prisoner at Perth. I saw him at Stirling in highland dress walking the streets. I was taken by Lord Lewis Gordon's men. I saw Lord John Drummond at Aberdeen riding with 500 horses.

Q.—Do you know of any Declaration published by Lord John Drummond at Aberdeen?

Ans.—No.

JAMES BARCLAY.—I saw Lord John Drummond at Stirling in Jan. last. I never saw him before. He was generally understood to be Lord John Drummond. He commanded the Irish Brigade in the





LORD JOHN DRUMMOND.





LORD JOHN DRUMMOND.

French service. He acted as General of the King of France's forces. He marched at the head of that Brigade in January into Stirling. He is generally called the Duke of Perth's brother. He is a pretty tall, jolly man, between 40 and 50, with a dark-brown complexion. I think he is about 40, but I cannot be positive. He is neither fat nor lean.

*Q.*—Should you be able to distinguish him in a room where there are 100 people?

*Ans.*—I don't know but that I might, but I am not very positive.

HUGH DOUGLAS.—I don't know Lord John Drummond. I am not acquainted with him, but I have seen him at Perth when the rebels were there. He was called Lord John Drummond—generally at Perth. He was called Duke of Perth's brother at that time and place, this winter. I saw him among the rebels. He commanded the Irish Brigade. I saw him march with them from Stirling to Perth; drums beating sometimes. I did not know him before I saw him at Perth. I am not 16 years old; I was 15 the hindmost day of last February.

ROBERT MERCER, *ALIAS* NAIRN OF ALDIE.

JOHN HICKSON.—Robert Mercer of Aldie: I saw him often at my house in September last with the Pretender's son at dinner and supper. He and they all called him "Royal Highness." He was in highland clothes. I never saw him in arms; I believe they all had cockades, but I don't remember particular persons. I have known him before.

JOHN VERE.—Robert Mercer, *alias* Nairn: I saw him first at Chongeton, or Congleton, the 4th Dec. last. They called him Major Nairn, and he was understood to be Lord Nairn's brother. I saw him in arms marching with the rebels.

Captain READ.—His name is Nairn. I have known him for the same time. I saw him in arms at Perth in October with a white cockade and a broadsword. I have dined with him at the table of the Duke of Athole. His party are deemed rebels. I did not see him march out; the party marched about the middle of October.

## SIR WILLIAM GORDON OF PARK.

JOHN VERE.—Sir William Gordon of Park: I knew him first at Manchester; he was called by that name. He was generally understood to be that person. I saw him in arms, at Manchester, at the head of his regiment in the rebel army. He is Lieut.-Col. to a regiment.

WM. HASTIE.—Sir W. Gordon of Park: I did not know him before the rebellion. I saw him first in England in Dec. last, among the rebels, at the head of a body of men. He was generally called Sir Wm. Gordon of Park.

JOHN GRAY.—Sir Wm. Gordon of Park: I saw a person so called in January last. I did not see him do any act of hostility. I saw him go to the prisoners. He had a sort of highland clothes.

JAMES BARCLAY.—Sir Wm. Gordon of Park: I know him, but not before the rebellion. I saw him at Glasgow and at Stirling in January last. He was generally understood to be Sir William Gordon of Park. He acted as Lieut.-Col. of Lord Ogilvie's Regiment, and I saw him march at the head of his men. I saw him another time on the march of the rebels, between October and January. That regiment was in the Pretender's service.

*Q.*—Did not you see these persons in some action?

*Ans.*—No, I was at Carlisle when it was besieged. I was with one John Roy Stewart. I never saw him in any battle.

## JOHN MURRAY OF BROUGHTON.

CHAS. CAMPBELL.—John Murray of Broughton was frequently seen about Holyrood House. I saw him with a sword and a white cockade. He is commonly reputed to be the Pretender's son's secretary. I frequently saw him in the month of October. The last time I saw him he was in a scarlet dress and a white cockade. He is a well-looking, little man, of a fair complexion. I heard people say he was the Pretender's son's secretary. I don't remember whether he had a highland dress or a broadsword.







GLENBUCKET'S BANNER.





JOHN HICKSON.—John Murray of Broughton: I never knew him till he came to my house. He acted as secretary to the young Pretender. I applied to him myself for passes, and obtained them signed by him. I never saw him in arms, but as a gentleman with a sword on. I never saw him dine or sup with the Pretender, but I saw him go in and out of the room where the Pretender's son was. Those passes were signed by Mr. Murray and not by the Pretender. He had the seal. The seal was affixed to every pass—it was the arms of Britain, the same as the King's arms.

JOHN VERE.—John Murray of Broughton: I saw him at Macclesfield. He was called Broughton. I saw him at the Council table; he acted as secretary to the young Pretender. He asked me many questions. I saw him act as secretary in giving passports, and signing passports. I saw him write his name to a protection in the house where the Pretender's son was. He lay in the same house; he generally went in a chair, but with the rebel army. He acted as secretary at the Council Board.

WM. HASTIE.—John Murray of Broughton: I knew him before I saw him march from Scotland to England, and back again with the rebel army, from November to February. He went along with the Pretender, and marched with the rebel army.

JAMES BARCLAY.—John Murray of Broughton: I have seen him at Edinburgh before the present rebellion. I knew him by sight, though I am not acquainted with him. I saw him several times in arms. I never saw him do any act of office, but I saw him on the march with the rebels as a rebel. They went from Edinburgh in November, and returned to Glasgow in January.

JOHN GORDON, ELDER OF GLENBUCKET.

CHAS. CAMPBELL.—John Gordon: I saw him frequently at Edinburgh in October with the rebels in a highland dress and pistols. I saw him march in a hostile manner at their head. On November 10th he commanded about 200 of Duke of Gordon's people at Redcliffe. None but rebels wear white cockades. He is an old man much crouched.

JOHN VERE.—John Gordon: He went by the name of Glenbucket, and answered to that name. He rode on a little gray highland beast. He marched with the rebel army between Manchester and Wigan in December last.

WM. HASTIE.—John Gordon: I saw a man generally so called in arms in England at the head of a body of men as part of the rebel army. I saw him at the time, from November to February. I knew him before the rebellion.

JOHN GRAY.—John Gordon: He was called General Gordon of Glenbucket. I had seen him before. He was commissioner of [ ] for the Pretender at the time of the battle of Falkirk in January last. I have known him 8 years before; he is a very old man.

JAMES BARCLAY.—John Gordon: I know him, but I never saw him before the rebellion. I saw him act as General, and he was called General Gordon. I saw him march with the rebels from Edinburgh into England, and back again to Glasgow, all the way. He is not very tall, but a very old man, and lies forward. He had a white cockade.

DONALD CAMERON, YOUNGER OF LOCHIEL.

CHAS. CAMPBELL.—I was some years personally acquainted with him before the rebellion. When I saw him at Edinburgh (which was in September or October) he marched oftener than once at the head of the Camerons in a highland dress, and I knew him immediately at first sight. He was very active in giving directions to the Camerons. I saw him march at the head of his regiment. He went with the Camerons (the rebels) at the blockade of the Castle. The Camerons were in arms for the Pretender, and wore white cockades.

JOHN HICKSON.—I know Cameron of Lochiel, but don't know whether he hath a father or not. He with Lord Nairn took possession of my house and the town of Perth in September. He is a middle-aged man. The Provost told me it was needless to guard the town, for they would burn it if there was opposition. They marched in and placed sentinels in all the posts.

JOHN VERE.—Donald Cameron of Lochiel: He was called by that name and answered to it. He was one of the Council who examined me 3rd Dec. last. He was Major-General of the clans. I saw him then in arms at the head of the Camerons with the rebel army.

WM. HASTIE.—Donald Cameron of Lochiel: I did not know him before the rebellion. I saw him in it. He was generally called Col. Cameron the younger of Lochiel. He acted as an officer upon the rebel march into England and back again.

JAMES BARCLAY.—Donald Cameron of Lochiel: I knew him, but not before the rebellion. I have seen him several times since at Edinburgh, and on the march, between November and January. He was chief of his own clan, and in the march went always at their head, being always called Cameron of Lochiel.

DR. ARCHIBALD CAMERON, BROTHER OF DONALD CAMERON OF LOCHIEL.

JAMES BARCLAY.—Dr. Archibald Cameron: I saw one who was called Dr. Cameron of Lochiel. I did not know him before the rebellion, but I have seen him at Edinburgh in October, and in Glasgow in the beginning of January last. He appeared as one of the rebels, acted as A.D.C. to the Pretender, and marched with the rebels.

ANGUS MACKINNON.—Dr. Archibald Cameron: I knew him before the rebellion. He was A.D.C. to the young Pretender. I saw him act and march all the while with the rebels from October last. I am not sure of his Christian name, but have heard him called Archibald.

LUDOVIC CAMERON, OF TORCASTLE.

CHAS. CAMPBELL.—Ludovic Cameron of Torcastle: I was acquainted with him at the same time. He is uncle of the younger Lochiel. I met him at Edinburgh before the battle of Prestonpans. He asked me to join him. "No," said I, "it is not my time yet." He pressed me again, and I refused. After the battle of Prestonpans he again asked me to join the Pretender's son. I declined. He said he was going to look after some of his men who had deserted. I saw him with a broadsword and pistol and a white cockade.

JOHN VERE.—I knew an uncle of Lochiel the younger, but I don't know his designation. I never heard him called by the name of Torcastle. He was Lieutenant-Col. of the Camerons.

ALEXANDER CAMERON OF DUNGALLON.

CHAS. CAMPBELL.—Alexander Cameron of Dungallon: I saw him march at the head of the rebel Camerons in arms for the Pretender's son. None is called by the name of the seat, but the head of the family.

WM. HASTIE.—Alexander Cameron of Dungallon: I did not know him before. He was generally called Cameron of Dungallon. I saw him as an officer among the rebels, often marching with the rebel army into England and back again, between 1st November and February. I don't know that his name is Alexander.

ANGUS MACKINNON.—Alexander Cameron of Dungallon: I knew Dungallon by that name only. He was called by that name. I saw him as one of the rebels upon their march all the time from Edinburgh into England and back again in the last winter.

DONALD MACDONALD OF CLANRONALD, YOUNGER SON OF  
DONALD MACDONALD OF CLANRONALD.

JOHN HICKSON.—Donald MacDonald the younger of Clanronald: I never saw him till in Perth in September last walking the street. I understood he was come at the head of his men. It was the common report. I did not know him well enough to take much notice of him. I don't remember that I saw him then with the Pretender's son, nor did I see him afterwards.

JOHN VERE.—Donald MacDonald the younger of Clanronald: I saw a gentleman who was called Clanronald. He is a young man; he had a brother there who was called Major MacDonald. I don't know of any other person called Clanronald. He is about 40 or 42. He was

considered as the head of that clan. I saw him in arms at the head of his regiment upon the march 10th December last, and afterwards as a colonel. I saw him go off with the Pretender. He was deemed the chief of that family of Clanronald. I cannot say whether this person is the younger or the elder. He was called the captain of the clan.

WM. HASTIE.—Donald MacDonald the younger of Clanronald: There were two brothers of that name—one was always called Clanronald, and the other Mr. MacDonald. I saw them both then in arms. One of them called Clanronald came from Edinburgh into England; an officer in the rebel army as chief of the clan. Mr. MacDonald I saw first upon the return to Scotland. I don't know whether he was an officer; both of them marched with the rebel army. Clanronald commanded at the head of the clan. I call the commanding officer of the clan, when the chief is not there, commander of the clan.

*Q.*—How do you know he commanded as chief?

*Ans.*—As the people said. The Stewart Clan was not commanded by their chief, and that commanding officer was called colonel.

JAMES BARCLAY.—Donald MacDonald of Clanronald the younger: I saw him, but not before the rebellion. I saw him at Edinburgh, and he marched out of there with the rebel army in October last. I saw him between Carlisle and Penrith marching with the rebel army, commanding his own clan. He was generally understood to be MacDonald of Clanronald, but I don't know his Christian name, nor heard him called the younger. He was generally understood to be chief of the clan.

ANGUS MACKINNON.—Donald MacDonald of Clanronald the younger: I knew him before the rebellion. I saw him upon 13th October at Edinburgh, and I saw him upon the march of the rebel army as colonel of his own men. He was called younger Clanronald, son of old Clanronald, who did not come into the rebellion. Old Clanronald is called Ronald. I don't know the eldest son's christian name; the younger brother's name is Donald MacDonald. He was a major in the rebel army, and called the son of Clanronald. He is about 21. They sometimes, but very seldom, in my country call two brothers by the same christian name.



## DONALD MACDONALD OF LOCHGARRIE.

JOHN HICKSON.—Donald MacDonald of Lochgarrie: I know him, but not by that name. I know him by the name of Lochgarrie. I don't remember to have seen him in Perth. I saw him when the King's officers were brought prisoners into Edinburgh, in September last. He spoke to me. He walked the streets in his highland dress. He only asked me how I did.

*Q.*—Was Lochgarrie among those who brought in the King's officers?

*Ans.*—No.

WM. HASTIE.—Donald MacDonald of Lochgarrie: I did not know him before the rebellion. He was generally called MacDonald of Lochgarrie. He was at the head of the Clan of Glengarrie—not as their chief, but as their commander.

JOHN GRAY.—Donald MacDonald of Lochgarrie: I saw him at that time at Stirling. I knew him before. I saw him go into, and come out of Glenbucket's lodging. I don't know his christian name, but he was called MacDonald of Lochgarrie. He had a shoulder belt. He appeared to be an officer. I heard he was A.D.C. to the Pretender's son. I have heard he had been in Lord Loudoun's Regiment.

HUGH DOUGLAS.—Donald MacDonald of Lochgarrie: I have seen Lochgarrie (but not before the rebellion) among the rebels in England—not very often. He was generally called Lochgarrie. I believe he was head of a clan of Lochgarrie men. I have seen him march at the head of them, this last winter, at a great many places; at Carlisle, Penrith, and on the road marching, with the rebels. I never heard him called Donald MacDonald or MacDonald, but always Lochgarrie.

ANGUS MACKINNON.—Donald MacDonald of Lochgarrie: I did not know him before the rebellion, but I saw him in October last, among the rebels. From October last he was colonel of Glengarrie's men in Glengarrie's son's absence, and commanded the men after the battle of Prestonpans.

## ARCHIBALD MACDONELL OF KEPPOCH.

CHAS. CAMPBELL.—Archibald MacDonell of Keppoch : I saw him frequently at Edinburgh, in September and October last, at the head of his regiment—rebels-in-arms for the Pretender's son. I saw him with a white cockade. I knew him personally before.

JOHN VERE.—Archibald MacDonell of Keppoch : I saw Keppoch in Edinburgh. He marched at the head of his clan. He was called Keppoch, answered to the name, and was generally understood to be Keppoch. I saw him in arms from Preston to Lancaster with the rebels, in December last, as a colonel of his own people.

WM. HASTIE.—Archibald MacDonell of Keppoch : I did not know him before the rebellion. He was generally called MacDonell of Keppoch. He marched from Edinburgh with the rebel army into England and returned back ; he only commanded the clan.

ANGUS MACKINNON.—Archibald MacDonell of Keppoch : I did not know him before. He was colonel of the regiment where I was. I saw him from October last with the rebels at the head of his men. He was called Keppoch. I have heard some people so call him. He was generally called Colonel MacDonell of Keppoch.

## ARCHIBALD MACDONALD, SON OF COL. MACDONALD OF BARRISDALE.

CHAS. CAMPBELL.—Archibald MacDonald, son of MacDonald of Barrisdale the younger : I saw him in October and September frequently at Edinburgh, on the part of the rebels. He marched at the head of a party of the MacDonalds with a carbine. He is 18 or 19 years of age. He had a highland dress and a white cockade. I never saw him with a sword drawn. I took him to be the commanding officer of his party.

ANGUS MACKINNON.—Archibald MacDonald, son of MacDonald of Barrisdale : I knew him before, and saw him from October last in the rebel army as a rebel. He is about 20, and was a lieutenant. His Christian name is Archibald.

## ALEXANDER MACDONALD OF GLENCOE.

CHAS. CAMPBELL.—Alexander MacDonald of Glencoe: I saw him frequently in arms in Edinburgh in September and October. I saw him march at the head of his company of rebels.

JOHN VERE.—Alexander MacDonald of Glencoe: He had a regiment. I did not know him before. He was called and answered to the name of Glencoe. I saw him in arms with the rebels between Kendal and [     ]. He marched with his regiment the 18th December last with the Pretender.

## EWAN MACPHERSON OF CLUNIE.

CHAS. CAMPBELL.—Ewan MacPherson of Clunie: I saw him at Edinburgh and Radcliffe with 200 MacPhersons, with a carbine, for the Pretender's son. I never saw him in any other than a highland dress. I was sent from Berwick to that County by Lord Justice Clerk. I never knew him till I saw him at Edinburgh. I saw him several times there. The same person commonly known by that name.

JOHN VERE.—Ewan MacPherson of Clunie: I knew him because 5th December I was put under his charge. He was called Clunie MacPherson, and answered to that name. I saw him in arms upon the march with the rebels in December last.

WM. HASTIE.—Ewan MacPherson of Clunie: I saw him in the rebel army. I did not know him before I saw him at Dalkeith from 1st November to 1st February. He acted as an officer at the head of his clan. It was supposed to be his own clan. He marched into England with the rebel army. His clan was part of the rebel army. He was called MacPherson of Clunie. His christian name is Ewan.

ANGUS MACKINNON.—Ewan MacPherson of Clunie: I saw his men in the rebellion, and I saw a person called Clunie MacPherson at their head. He came along with the rebel army into England. I saw him in October last.

## LAUHLAN MACLAUHLAN OF CASTLE LAUHLAN.

CHAS. CAMPBELL.—Lauchlan MacLauchlan of Castle Lauchlan : I saw him in September or October with a white cockade go within the courtyard of Holyrood House. I saw him in company with Lord George Murray and Lord Elcho. I don't know that he had the highland dress.

JOHN VERE.—Lauchlan MacLauchlan of Castle Lauchlan : I knew one Colonel MacLauchlan, but not by the name of Castle Lauchlan. He was called so by several persons in my hearing, and he answered to the name. The 3rd December he waited upon the Pretender. I saw him at Macclesfield. He acted as Colonel to the MacLauchlans in the rebel army. I don't know his Christian name ; he was reputed head of the MacLauchlans.

WM. HASTIE.—Lauchlan MacLauchlan of Castle Lauchlan : I saw a person whom I did not know before, who was generally called MacLauchlan. I saw him first in England at Carlisle. He was sent from Carlisle into Scotland. He acted as an officer with the rebels. I saw him in Scotland in January, upon the march, as they came back into Scotland. I never heard him called MacLauchlan of Castle Lauchlan, nor by his Christian name. I saw him first at Carlisle in November. He went from Carlisle in November. At the latter end of January I saw him in the rebel army, and he was after that in their marches acting as an officer.

## JOHN MACKINNON OF MACKINNON.

JOHN VERE.—John Mackinnon of Mackinnon : I saw a gentleman called Colonel Mackinnon, chief of the Mackinnons. He was called in my hearing Colonel Mackinnon, and answered to the name. I saw him several times in arms in the rebel army in December last. He commanded the Mackinnons. He acted as colonel of that regiment.

ANGUS MACKINNON.—John Mackinnon of Mackinnon : I saw him in the rebellion, with his men, march in the rebel army, and commanded them. Thirty of his men deserted because they were sensible they were in a wrong cause.

## CHARLES STEWART OF ARDSHIEL.

CHAS. CAMPBELL.—Charles Stewart of Ardsziel: In September or October I saw him in Edinburgh. He was reputed to be a colonel. I saw him one day at the head of his regiment—the rebel Stewarts of Appin—with a carbine.

JOHN HICKSON.—Charles Stewart of Ardsziel: I saw him at Perth march at the head of his men when the young Pretender was there in September. He had a highland dress, and arms, and was the commander of those men, who came to join the young Pretender's forces. I did not know him before I saw him at Perth. I saw him often there. He commonly passed by that name (Ardsziel).

JOHN VERE.—Charles Stewart of Ardsziel: I saw a gentleman—a big fat man, troubled with a lethargy. I was told he was Stewart of Ardsziel, and he answered to that name. I saw him march at the head of his regiment in December last.

WM. HASTIE.—Charles Stewart of Ardsziel: I did not know him before I saw him in arms (as one of the rebels) several times upon their march into England and back again. He commanded Stewart of Appin's clan. He was called Stewart of Ardsziel.

ANGUS MACKINNON.—Charles Stewart of Ardsziel: He marched with the rebel army all the time from October.

*Q.*—If a man deserts his chief, what is the consequence?

*Ans.*—They run a risk.

GEORGE LOCKHART, ELDEST SON AND HEIR-APPARENT OF  
GEORGE LOCKHART OF CARNWARTH.

CHAS. CAMPBELL.—George Lockhart: When the rebels were at Edinburgh I saw him several times there. I know no more.

JOHN VERE.—George Lockhart: I have known him at Oxford. I saw him at Congleton in arms in the rebellion with a broadsword. He was A.D.C. to the young Pretender; I saw him act as such, and he marched with the rebel army.

WM. HASTIE.—George Lockhart: I did not know him before the rebellion. He was called George Lockhart the younger of Carnwarth. He went along with the rebels from Edinburgh. He was in arms. He was A.D.C. (generally called so) to the young Pretender between 1st November and February.

JAMES BARCLAY.—George Lockhart: I know him, but not before the rebellion. In October last I saw him at Edinburgh acting as A.D.C. to the Pretender, and he was with us upon the whole march among the rebels. I never saw him give any orders.

LAWRENCE OLIPHANT THE ELDER OF GASK.

JOHN HICKSON.—Lawrence Oliphant of Gask: I have known him twenty years. I saw him in Perth with the young Pretender. I looked upon him as an officer. I saw him among the men when they were drawn up. He was one among the rebels in the young Pretender's service.

JOHN VERE.—Lawrence Oliphant of Gask: In December I saw a gentleman then called Laird of Gask, who answered to the name. I saw him in arms upon the march of the rebel army. He was called Colonel Oliphant of Gask. I don't know his christian name. He is 50 or thereupon. The eldest son in Scotland is usually called the young laird.

[NOTE.—*I am afraid Mr. Vere as to this gentleman is mistaken, for I am informed he was not in England, and the other witnesses seem fully sufficient as to this gentleman without relying upon Mr. Vere.*]

JOHN GRAY.—Lawrence Oliphant: I saw him at Perth when I was prisoner about Christmas. He signed a warrant against me, as Dep't. Governor in the Pretender's service, as I understood, to commit me to prison. The name was Oliphant. I don't know his Christian name. I don't know of what place he was designed. I don't know that he signed the warrant, but they told me it was Oliphant of Gask who signed it; the officers showed me the warrant. Oliphant of Gask was reputed to have some command at Perth. I was committed at Perth as a friend to the King.

JAMES BARCLAY.—Lawrence Oliphant: I did not know him before the rebellion, but in February I saw him in Perth. He was Depute-Governor of Perth to Lord Strathallan, under the Pretender. He was so called and reputed. I saw him going to Hickson's when Lord Strathallan was to keep their council there, as was understood. The Aberdeen battalion of about 200 men was then there. I saw him among those who seemed to belong to the Pretender. I never saw him do any acts, but they called him Depute-Govr. He was giving the gunners, who belong to the French, some orders to steer their guns. I don't know him by name as Lawrence, but he was called and understood to be Oliphant the elder of Gask. I never heard him called by the name of Lawrence. I don't know the xtian names of any whom I have spoken of.

JAMES LOGIE.—Lawrence Oliphant: I have seen a gentleman at Aberdeen whom the rebels call Oliphant the elder of Gask. I saw him in February come on horseback into Aberdeen at the head of a troop of horse, I believe in the Pretender's service, with one drum and a standard in the evening 3, 4, or 5 o'clock. It was light enough to distinguish one man from another. I should not know him again if I should see him. The rebels said it was Oliphant the elder of Gask. I know him no otherwise, and I heard of him afterwards as being at Aberdeen, but I don't know. The last party of horse came in at 5, near 6; I cannot be positive. The first came in a little after 4 o'clock; the whole came in between five and six.

*Q.*—Were any of the King's forces then in Aberdeen?

*Ans.*—No.

[We can read (it is a common saying) a letter in Aberdeen at 6 in the evening in February.]

Captain JOHN READ.—I am in His Majesty's service. I know the elder of Gask, but not his Christian name, and by the name of Oliphant the elder of Gask. I knew him a year before the rebellion. I have seen him since to the best of my knowledge in Edinburgh, after the battle of Prestonpans in September, or at the battle. I have a paper which I saw him sign (the paper produced). Lord Strathallan delivered me the paper. Oliphant wrote it in my presence. I cannot say whether I took it out of the hand of Oliphant or Lord Strathallan; the paper was brought up and read, signed "Strathallan." This paper was a pass, and was written in Perth.

*Q.*—Who was meant by the Prince of Wales?

*Ans.*—The young Pretender. I know Oliphant the younger of Gask, his son, for I saw him. He appeared after the battle of Prestonpans in September last. I saw him after the action. Old Oliphant was dressed in his common clothes, but among the rebels. The son was in a highland dress. I saw both father and son among the rebels as part of the rebels at Perth and Edinburgh. The younger made offers to me to enter into that service.

LAWRENCE OLIPHANT THE YOUNGER OF GASK.

CHAS. CAMPBELL.—Lawrence Oliphant the younger of Gask: In September or October last I saw him at Edinburgh with a white cockade, broadsword, and in a highland dress. He was reputed A.D.C. to the Pretender's son, and I saw him go before him on horseback toward the camp at Duddingston, where the Pretender's son's army was. I did not know him before; he was generally called by that name.

JOHN HICKSON.—Lawrence Oliphant of Gask: There was a young gentleman there called Lawrence Oliphant, son of Gask; but whether he be elder or younger son I don't know. He answered to the name of Oliphant. He was generally understood to be Gask's son. I saw him in arms. I have heard Oliphant the elder called Gask, but not the elder. I took him to be elder. I took these Oliphants to be father and son because of their ages.

*Q.*—Was Gask understood to be father of young Oliphant?

*Ans.*—It was so understood by the rebels. I never heard him called the young laird. I saw him march along as one of the rebels, between Preston and Lancaster, in December last.

*Q.*—If he had been the young laird, would he not have been so called?

*Ans.*—I don't know, but he might; I heard him called young Gask.

*Q.*—Would the grandson be called young laird?

*Ans.*—If he had been the eldest son, I don't know whether or no he would be called the young laird. I don't know his Christian name. He was understood, and was called Gask's son; some told me he was Gask's son.

WM. HASTIE.—Lawrence Oliphant the younger of Gask: I did not know him before. He came and went back with the rebel army in arms. He was called Oliphant the younger of Gask.



JAMES BARCLAY.—Lawrence Oliphant the younger of Gask : I know a person who was called son of Oliphant the elder of Gask. He marched and continued with the rebel army, from October to January, as a rebel. He was in arms, and A.D.C. to the Pretender. But I never saw him give orders. I don't know his age ; I think he is about 20.

HUGH DOUGLAS.—Lawrence Oliphant the younger of Gask : I did not know him before the rebellion. I never saw him but at Perth this last winter. He was called the young laird of Gask. I never heard him called Oliphant. I saw him walking in the streets in highland clothes in company with the rebels. He is, I think, about 26. I never saw him march. I never saw him but once, and then walking with the rebels after the return from England.

PETER GOLDIE.—Lawrence Oliphant the younger of Gask : I saw him at Ashburn riding single in the rebel army. He went as the others did. He had a white cockade. I don't remember he had a sword. I saw him also at Carlisle with the rebel army. He was called Mr. Oliphant. I have heard some speak of him by the name of Gask. I have seen several in the rebel army without a sword. I saw him at Ashburn in October, and at Carlisle in the same month. At Carlisle I saw him in the streets. He rode with the rebel army to Carlisle. I never saw him ride near the Pretender's son. I never heard him called the younger. He is upwards of 20.

JAMES GRAHAM THE YOUNGER OF AIRTH.

THOMAS CAMPBELL.—James Graham the younger of Airth : In September or October I saw him in a highland dress, a broadsword and pistols. I never saw him march, but I have seen him in company more than once with Duke of Perth and Lord George Murray.

JOHN VERE.—James Graham, younger of Airth : I saw a young gentleman Kilmarnock told me was Mr. Graham, son of Mr. James Graham of Airth. I heard Kilmarnock call him so. I heard him called in his own presence Mr. Graham. I saw him in arms on the march as one of the rebels. I don't know his Christian name.

*Q.*—Has Mr. Graham of Airth more sons than one?

*Ans.*—I don't know. The father is laird of Airth; the son is not called laird of Airth. Kilmarnock called him, in the hearing of the young man, son of James Graham of Airth, and he did not deny it.

*Q.*—Has "Master" a different signification from "Mr."?

*Ans.*—The eldest sons of Barons are called "Master," other gentlemen "Mr." Lord Kilmarnock at Leek said to me, "This is the son of Mr. James Graham of Airth, whom you and I met at Falkirk on 14th September." Mr. Graham was there with a lady, whom I took for his wife.

JAMES BARCLAY.—James Graham, younger of Airth: I saw him march out of Edinburgh with the rebels. I did not know him before the rebellion. He wore a sword. I frequently saw him with the rebel army upon the march. He was generally called James Graham the younger of Airth. He appeared to be between 20 and 30—above 20—a pretty tall man, neither thin nor fat. I don't know what command he had. He always rode where the young Pretender was.

JOHN ROY STEWART.

CHAS. CAMPBELL.—John Roy Stewart: In October and November I saw him at the head of his regiment in arms for the Pretender's son, and I have seen him with Lord George Murray in the highland dress. I have seen him in the Pretender's tent. I did not know him before. He commonly went by that name. I was hardly a day without seeing him.

JOHN HICKSON.—John Roy Stewart: I have known him twenty years. I saw him travelling as a private gentleman after the rebels had left Perth on his way to Edinburgh.

*Q.*—Did you see him with the rebels?

*Ans.*—I don't remember. He has been in France many years.

*Q.*—Did he enquire after the Pretender's son.

*Ans.*—He asked where the Pretender's army (called by him as I suppose, but can't be positive, "the Prince's army") was gone.

JOHN VERE.—John Roy Stewart: I knew him before the rebellion. He was a quartermaster in the King's service. He was colonel of a

regiment of 6 companies, as he told me himself. He acted as such. I saw him on the march with the rebels from 3rd December to the 20th.

WM. HASTIE.—John Roy Stewart: I did not know him before. I saw him in arms upon the march of the rebels into England and back again.

JOHN GRAY.—John Roy Stewart: I saw him at Stirling. I knew him before. He was one day in highland clothes, and the other in other clothes. He was understood to be an officer with the rebels. He was formerly a quartermaster in the Scotch Greys or Gardiner's Dragoons, as I have heard. I did not see him do any act of hostility.

*Q.*—Who were in possession of Stirling then?

*Ans.*—The town was in the Pretender's possession and the castle in the King's. The Highlanders in the town were supposed to be in the Pretender's service attacking the castle.

JAMES BARCLAY.—John Roy Stewart: I know him. I did not know him before the rebellion. I saw him everywhere after the rebels—marched from Edinburgh to Derby and back to Glasgow with them. He was colonel of a regiment in the young Pretender's service. He was generally reputed to have been quartermaster in the Scots Greys, and generally called Colonel John Roy Stewart in the Pretender's army.

#### FRANCIS FARQUHARSON OF MONALTRIE.

JOHN VERE.—Francis Farquharson of Monaltrie: I saw a gentleman called Colonel Farquharson who commanded the Farquharsons. I knew him not before, neither his Christian name, nor the addition of Monaltrie. I saw him in arms upon the march of the rebel army.

*Q.*—Are there not many Farquharsons in Scotland?

*Ans.*—I am not of that part of the country. He commanded the Farquharsons as was generally understood in the rebel army in December last. He acted as other rebel colonels did.

JAMES LOGIE.—Francis Farquharson of Monaltrie: I knew him before the rebellion. I saw him at Aberdeen with a white cockade and a broadsword—not in the highland dress. He came in at the head of a body of foot, about 3 o'clock in the afternoon, in December last. I saw

him. The body of men were dressed in highland clothes mostly, and were deemed rebels. He stayed several days with them. In Aberdeen they dress as I do; a Lowland town. I say this of my own knowledge. The body of men came into Aberdeen with bagpipes playing, swords drawn, colours flying, and he had his sword drawn.

ALEXANDER MACGILLIVRAY OF DUNMAGLAS.

JOHN GRAY.—Alexander MacGillivray of Dunmaglas: I saw a person called MacGillivray among the Mackintoshes, as was understood. I saw him among those highland men, and they were deemed rebels. I saw men about him in arms at Perth at Christmas last. I never saw him but once. I heard him called to, but not in his hearing. I cannot declare positively that he was in arms, but I thought so. I am not sure he is the person, and I could not know him again.

*Q.*—Don't the Sutherland people wear highland dress?

*Ans.*—Yes, and yet are all loyal to a man, as far as I know.

JAMES LOGIE.—Alexander MacGillivray of Dunmaglas: I know him by sight, and knew him very well before the rebellion. I have seen him in the highland habit at Stonehive and Aberdeen. He was in the rebel army, and marched at the head of his men in arms for the Pretender, as I understood. I saw him in arms, and march in the months of December and February.

LAUHLAN MACKINTOSH, MERCHANT, INVERNESS.

JOHN GRAY.—Lauchlan Mackintosh: I knew him and saw him at Perth. He had the highland dress, but I did not see him do any act of hostility. He was in company of persons supposed to be rebels.

*Q.*—Did any person wear swords but rebels?

*Ans.*—I cannot say.

JAMES LOGIE.—Lauchlan Mackintosh: I have seen him before the rebellion. I have seen him at Stonehive, Aberdeen, and Dundee in December and February last. He was in the highland habit, broadsword, and white cockade. I saw him with Dunmaglas's men. He was said to be lieutenant-colonel to that regiment. I saw him march with them as part of the rebel army in arms.

MALCOLM ROSS, SON OF ALEXANDER ROSS OF PITCALNIE.

JOHN GRAY.—Malcolm Ross of Pitcalnie: I saw him at Perth, and not in highland clothes. I did not see him act at all, in arms or on march. He was in the town when the rebels were there. He asked me how I came there, but he did not propose to engage me in the Pretender's service.

JAMES LOGIE.—Malcolm Ross of Pitcalnie: I knew him well. I saw him in Aberdeen in February in a highland habit, broadsword, and white cockade. I saw him come into the town with a body of men who were deemed rebels in a warlike manner, and stayed with them there.

ALEXANDER MACLEOD, SON OF JOHN MACLEOD, ADVOCATE.

WM. HASTIE.—Alexander Macleod, son of John Macleod: I did not know him. I saw him first at Brampton with the rebels in November. He was in arms. I saw him all the way. He was called Mr. Macleod. I heard him called Alexander and son of John Macleod. He was A.D.C. to the young Pretender, as I heard him called. He was generally called A.D.C. to the young Pretender.

ANGUS MACKINNON.—Alexander Macleod, son of John Macleod, advocate: I heard he was among the rebels. I saw him in the rebel army at Kendal. He was A.D.C. to the Pretender's son, and acted as such that day he was at Carlisle. I saw him in arms with the rebels since October last.

JOHN HAY, PORTIONER, OF RESTALRIG, W.S.

CHAS. CAMPBELL.—John Hay, portioner, of Restalrig: In October he put on a white cockade after he returned from Glasgow. He was said to be sent to Glasgow to uplift the taxes. I saw him frequently with a small sword and white cockade, in company with Duke of Perth, Lord George Murray, and Murray of Broughton. In November I saw him at Dalkeith with a broadsword and white cockade. I never saw him in any body of men. At Edinburgh scarce a day passed that I did not see him.

JOHN VERE.—John Hay, portioner, of Restalrig, W.S. : I knew him in Edinburgh, and saw him in arms 3rd December last at Sir Peter Davenport's house, and upon the march with the rebel army in arms in December last. He acted as Deputy Secretary.

ANDREW LUMSDALE, SON OF WILLIAM LUMSDALE, WRITER IN  
EDINBURGH.

JOHN VERE.—Andrew Lumsdale, son of William Lumsdale, writer in Edinburgh : I saw a gentleman called Mr. Lumsdale. I don't know his Christian name. I don't know him to be son of Lumsdale, writer in Edinburgh. He acted as one of the Under Secretaries to Mr. Murray. I saw him give receipts for the young Pretender. He was in the rebel army as a rebel in arms. I did not know this man, nor the last, before I saw them in the rebellion.

WM. HASTIE.—Andrew Lumsdale, son of William Lumsdale, writer, Edinburgh : I knew him before. He is reputed Mr. Lumsdale's son. He went with and continued in the rebel army. He was clerk to the Secretary, Murray.

*Q.*—Could you among 100 people distinguish all those you have named ?

*Ans.*—Yes, I believe I can.

JAMES BARCLAY.—Andrew Lumsdale, son of William Lumsdale : I have seen him. I did not know him before. He went by the name of Lumsdale. He acted as Deputy Secretary to the Pretender's son. I have seen him levy the excise at Glasgow for the Pretender in January. The Pretender was then at Glasgow. I saw him in the army with the rebels upon their march. His name is Lumsdale. I never saw his name written. He was called Lumsdale.

*Q.*—What business did you follow before the rebellion ?

*Ans.*—I was two years at sea.

PAT. GOLDIE.—Andrew Lumsdale, son of William Lumsdale : I knew him, but not before the rebellion. I saw him in the Secretary's office of Murray, Secretary to the Pretender, in Holyrood House. I saw him several times in the army among the rebels, and several times in October and November. He went by the name of Andrew Lumsdale.

## DEPOSITIONS AT JACOBITE TRIALS.

[THE KING AGAINST THE SEVERAL REBEL OFFICERS WHO WERE  
TAKEN PRISONERS AT CARLISLE AND BROUGHT TO LONDON.]

In June, 1745, the eldest son of the Pretender landed in the West Highlands of Scotland, and soon afterwards MacDonald of Clanronald, Cameron of Lochiel, MacDonell of Keppoch, and other Highland chiefs rose in open rebellion and joined the Pretender's son, and were soon afterwards joined by the Marquis of Tullibardine and his brother, Lord George Murray, Lord Elcho, the person called Duke of Perth, and a great number of Scots, and then marched towards Perth, and from thence towards Edinburgh, by which time they had increased to about 5000 men, and then marched into and took possession of Edinburgh, and there proclaimed the Pretender, and from thence marched to a village called Prestonpans, near Edinburgh, and there on the 21st of September last attacked the King's forces under the command of General Cope, killed a great many of them, defeated them, and took a great many prisoners and sent them into several prisons in the Highlands, and also took the King's horse, cannon, arms, and colours, and in October last the rebels being increased by the junction of other rebels under the command of Lord Kilmarnock, Lord Pitsligo, the person called Lord Nairn, Lord Ogilvie, Gordon of Glenbucket, making together about 5000 men, marched towards England, one part of them by the way of Peebles and Moffat, and the other part by Jedburgh and Kelso, and joined again at Brampton in Cumberland, about 8 miles from Carlisle, whence they marched and laid siege to Carlisle, and opened trenches before and took it on or before 16th November, and there proclaimed the Pretender again, and after staying there five or six days they all marched to Penrith in Cumberland, leaving a garrison in the castle and city of Carlisle, under the command of John Hamilton, who was made by the Pretender's son governor of the castle, and thence proceeded to Kendall, and from thence to Lancaster, and from thence to Preston, and from thence to Wigan and to Manchester, where they halted a day or two, and thence proceeded to Macclesfield in Cheshire, and thence to Leek in Stafford-

shire, and thence to Ashburn in Derbyshire, and thence to Derby, where they halted, and in all this march they collected the land tax, excise and post revenues, under pain of military execution ; issued warrants in the name of the Pretender's son to seize arms and horses, which they seized wherever they found, and took away with them ; and proclaimed the Pretender King in all the great towns upon the said march. His Majesty's forces being collected together in Staffordshire under the command of his Royal Highness the Duke, who immediately marched part of his forces towards the rebels, and made preparations to attack them, and stopped their further progress in this kingdom, whereupon the rebels, after halting two nights and one day at Derby, marched back again to Carlisle the same road they came, and the Duke, with a detachment of his Majesty's forces, pursued them to Clifton, near Penrith, in Cumberland, where a party of the rebels drew up behind hedges and walls to oppose the King's forces till the rebels had got their artillery up, and fired upon and killed several of the King's soldiers with small arms, and then it being dark the rebels marched in the night through Penrith to Carlisle, and from thence to Scotland, leaving a garrison of about four or five hundred men under the command of John Hamilton, who was governor of the castle, and Francis Townley, who was the commandant of the city, in order to defend the same against the King's forces, and thereby retard the march of the King's forces and assist the rebel army in making their escape into Scotland. On the 20th of December last the King's forces under his Royal Highness invested the town and castle of Carlisle, and in about six or seven days, having got some battering cannon, he attacked the city and castle, which was defended by the rebel garrison with cannon and small arms till Monday the thirtieth December last, when the rebels surrendered the town and castle at discretion, and in which defence the several defendants after named acted as officers and did duty as such in mounting guard, and otherwise in defending the town against the King's forces.

## FRANCIS TOWNLEY.

*[Sir John Strange's opening speech at the trial of Francis Townley.]*

May it please your Lordship, and you, Gentlemen of the Jury. I am likewise of counsel on the side of the prosecution against the prisoner at



the bar, who stands indicted for levying of war against the King, in his realm, which is declared to be high treason by the express words of the Statute of the *25th of Edwd. 3d.*

And on this occasion the matter to be submitted to the consideration of you, Gentlemen of the Jury, will be plain and easy; for you will not be involved in the difficulties that attend the unravelling of dark and intricate plots, carried on by fictitious names, cant words and cyphers, the result of private and midnight transactions, nor in attending to what the law calls interpretative or constructive levyings of war, which may be matters of doubt and difficulty, but are only called upon to deliver a plain, simple question of fact, which is, whether the prisoner at the bar is one of those who joined in the late rebellion or not. It is with infinite gratitude and pleasure I call it the late rebellion, since I think that by the blessing of God, his Majestie's paternal care of his people, and the prudent, cautious, and intrepid behaviour of his Royal Highness the Duke, we have all reasonable foundation to think this wicked rebellion is at an end.

In order to bring the prisoner at the bar to justice he is charged—  
(1) To have assembled with a great multitude of traitors and rebels, armed and arrayed in warlike and hostile manner, with colours displayed, drums beating, pipes playing; (2) To have actually armed, arrayed, and disposed himself in such manner; (3) To have prepared, ordered, waged and levied a publick and cruel war against the King in his realm; (4) To have entered, possessed, kept and defended the city and castle of Carlisle against the King, which facts, if proved, will beyond all dispute amount to high treason, and for this I may appeal to the Counsel for the prisoner.

My Lord Chief-Justice Hale, in his *1st Vol. of Hist. Pl. Cor. 150*, says "that levying of war is partly a question of fact. It must (says he) be such an assembly as carries with it *Specie Belli*, as if they ride or march *vexillis explicatis*, or if they be formed into companies or furnished with military officers, or if they are armed with military weapons, as swords, guns, pikes, &c., and are so circumstanced that it may be reasonably concluded they are in a posture of war, and the reason (says he) is because when they thus arm themselves it is a plain evidence they mean to defend themselves, and make good their attempts by a military force, and to resist and subdue all power that shall be used to suppress them."

And Lord Coke makes the holding of a fort or castle against the King to be an actual levying of war against him. As this is most indisputably law, it remains only to state to your Lordship and the Jury by what evidence we propose to bring the prisoner at the bar within the guilt of the offence laid in the indictment, and I think I may venture to say that there is not a single circumstance in my Lord Hale's description of levying war that will not be brought home to the gentleman at the bar.

The late rebellion, as everybody knows, broke out the last summer, and from small beginnings raged over the greatest part of Scotland, till the rebels had possessed themselves of the capital there. An unfortunate action at Prestonpans encouraged their march into England, the besieging and taking of Carlisle, and then advancing southward. The case of the prisoner at the bar takes its rise here; for upon their arrival at Manchester a regiment was there beat up for and formed, and the prisoner at the bar accepted the command of it as colonel of the Manchester Regiment. Then it was that he disposed himself for that service; he armed himself, as will appear, with a sword, a gun, a pair of pistols, and put on a plaid, sash, and a white cockade, the distinguishing marks of the rebel army. The colours that were carried in this regiment had a motto to this purport. On the one side was inscribed "Liberty and Property," and on the other, as I am instructed, were the words "Church and Country," words (I will argue) of great significance if properly applied in the sense every true Englishman and Protestant understands. But as applied to us they signify the reverse. The word *Liberty* can mean nothing but *slavery*. The word *Property* imports *our being stripped of everything*. The word *Church* could be only meant for introducing the Popish religion and superstition; and the word *Country* (though they would affect to use it otherwise) must stand for an arbitrary Government in opposition to the mild and happy Government under which we live the blessings of a Protestant succession in his Majesty's Royal Family, and in the place of these, to the great dishonour of the nation, reducing these kingdoms to a province of France. With these views it was the rebels (amongst whom the prisoner was one) advanced to Derby, where their hearts failed them, for upon the face of the Duke's approach they retired back through many towns to the great sorrow and danger of his Majesty's loyal subjects, and arrived at Carlisle, then a garrison for the Pretender. Into this city the prisoner entered at the head of his

regiment, and was made commandant of the city for the Pretender, and from then acted as such on all occasions.

When the Duke came before the town the prisoner defended it against the King's forces. He drew up his men, placed himself at their head, mounted guard in his turn, made a sally and gave orders for burning a place from whence some of his Majesty's loyal subjects had fired upon the rebels.

When the city was taken he was made prisoner, to be disposed of at his Majesty's pleasure, and upon that occasion acknowledged himself to have been colonel of the Manchester Regiment, and delivered up his commission from the Pretender for that command. And I cannot in justice (to the right reposed in me) conceal that upon the surrender of the place the prisoner at the bar was greatly exasperated, and declared his resolution to have held it out to the last, expressions which you, gentlemen, will hear from the witnesses.

This, gentlemen, is the light in which (if I am rightly instructed) the prisoner will appear; and this is the share he has had in this rebellion. It must be owned our all has been at stake—a great deliverance we have had—and I wish the sense of so great blessings may make us better men for the future. The cause of our religion, our King, and our country require our taking all proper methods of preventing the like confusions, and I must submit it to you whether one of the necessary means for that purpose is not the bringing those to justice who have thus armed themselves to our destruction. And if we prove this prisoner at the bar to have joined in this treason in the manner that has been opened, though your good nature may incline *you to pity him*, yet I apprehend your justice must condemn him.

SAM. MADDOCK.—I was prevailed upon to join the rebels at Manchester, and after two or three days I repented of what I had done; but in order to make me easy the defendant assured me I should be surgeon and apothecary to the Manchester Regiment. The defendant came with the rebels to Manchester, and was there reputed to be colonel of the Manchester Regiment, and had a servant in livery attending him. They had each a brace of pistols and a sword, and the defendant appeared as colonel all the march to Carlisle. At Carlisle the defendant declared he was £80 out of pocket in paying the men and

otherwise on account of the regiment. The defendant was appointed Governor of Carlisle, and acted as such; gave all the orders in Carlisle, made a sally at the English port, and ordered iron works to be made to prevent the Duke's horse approaching the gate, and expressed himself as much exasperated at the Governor of Carlisle's surrendering—saying, "It was better to die by the sword than to fall into the hands of those damned Hanoverians." The defendant and some other rebels between Ashburn and Derby brought from a gentleman's house a sackful of arms.

ROGER MACDONALD.—I saw the defendant often upon the march with the rebel army between Derby and Carlisle at the head of the Manchester Regiment, particularly between Preston and Lancaster, on horseback, armed with a sword and pistols before him, with his colours flying, the motto of which was on one side "Liberty and Property," and on the other "Church and Country." I saw the defendant afterwards among the rebels in Carlisle.

AUSTIN COLEMAN, No. 34.—I was one of the pioneers to the rebel army, and marched with them from Manchester to Derby and back to Carlisle. Saw defendant in the rebel army, first at Macclesfield and afterwards upon the march every day till Carlisle surrendered to the Duke. On the march he was armed with sword and pistols, a plaid, sash, and cockade. Saw him at the head of the Manchester Regiment, of which he was colonel, in the castle of Carlisle when the rebel army marched from thence to Scotland, and he then had a sword, plaid, sash, and cockade.

ORMESBY MACCORMACK, No. 86. — I was drawn up in the Manchester Regiment in the castle of Carlisle before the defendant as their colonel, when a great quantity of arms were given among them, and he had then his plaid, sash, and cockade. Saw him at the guard-room in Carlisle when it was besieged by the Duke, and he was reputed to have, and witness believes he had, the command of the town of Carlisle.

JAMES WARREN, No. 36; THOS. JAY, No. 58; HUGH MACDUGALL, No. 60.—These all testify as to his presence with the rebels on the march and at Carlisle.

THOS. CRAGG, No. 88.—The defendant marched at the head of a party of men armed with guns to the Town Hall, in Carlisle, which was the guard-room when the King's army besieged it. Prisoner was along with the rebels at Preston in their retreat with a white cockade in his hat. I saw him march out of Preston at the head of the Manchester Regiment on horseback, with pistols before him. Saw him at head of said regiment drawn up on Penrith Moor on foot, with a sword by his side and a gun in his hand. Saw him afterwards upon guard in the town of Carlisle, of which the English had the guard when it was besieged by the Duke of Cumberland.

JOHN DAVISON.—I saw the defendant amongst the rebels in Carlisle with a sword by his side. A carrier's house in Carlisle was burnt, which was said to be done by defendant's orders. Witness complained of it to him, and defendant answered that some people had been firing from thence upon the citadel, which witness looked upon as defendant's reason for having ordered said house to be burnt.

JOHN VERE.—I was taken prisoner by the rebels and carried with them to Carlisle, and was kept confined in the guard-room in the castle during the time it was besieged by the Duke. Several times I saw the defendant come into the guard-room with a sword by his side and a white cockade in his hat, he being commandant of the city of Carlisle. After the town surrendered witness saw the defendant deliver up his commission to Captain Desbrosses, which witness read at that time, and it being shown to him now is sure it is the same.

NOTE.—*This commission was not marked by the witness so as to know his own hand again. The commission appoints defendant to be colonel of his Majesty's forces as there called, and commandant of the town of Carlisle. Is dated 19th December, 1745, signed at top "Charles P.R.," and at bottom "C.P.R.," and sealed.*

Capt. KNEVIT; Capt. CRAIG.—Upon the surrender of the town of Carlisle these gentlemen and others were ordered by his Royal Highness to view and mark the rebel officers who defended the town, and were there taken so as to know them again, which they did, and knows the prisoner to be one of them: there being no promise of pardon on the surrender.

*[Found guilty, and executed 30th July, 1746.]*

## GEORGE FLETCHER.

SAM. MADDOCK.—When the rebel army came to Manchester the defendant enlisted into the Pretender's service, and was made a captain in the Manchester Regiment. Have heard and believes the defendant gave £150 for his commission, and marched with the rebels to Derby and back to Carlisle on horseback. He acted as a captain in the said regiment on the march; was armed with a brace of pistols and a small sword; wore a laced hat and white cockade, a plaid, laced waistcoat, and his servant in livery carried his gun. At Macclesfield the defendant pulled out a large quantity of gold, and told the witness that so long as that lasted he should never want. During the siege of Carlisle by the Duke the defendant acted there as a captain and paid his company, and frequently mounted guard in the Town Hall, armed as aforesaid.

THOS. BRADBURY.—The defendant was called and reputed to be a captain in the Manchester Regiment in the rebel army, and I saw him along with one of the rebel sergeants and drummers, who were beating up for volunteers in Manchester for the Pretender; and immediately after the sergeant said the words, "God bless the King"—James or Prince Charles I cannot now remember which—the defendant, with the other rebels present, pulled off his hat and huzza'd. There were 1000 people, and but 20 shouted "God save King James."

THOS. CRAGG; ORMESBY MACCORMACK; AUSTIN COLEMAN.—Testify as to the defendant's being with the Manchester Regiment to Derby and Carlisle, having on a plaid, sash, and cockade.

JOSEPH SIKES.—Witness saw the defendant among the rebels at Derby, but knows not whether he had arms or a cockade.

BENJ. BOWKER.—The night the vanguard of the rebels came to Manchester I saw the defendant amongst them, and several other Manchester men in a room at the *Bull Head Inn* with a white cockade in his hat.

Capt. KNEVIT; Capt. CRAIG.—They were ordered by the Duke to view the officers who defended the town, and know defendant to be one of them.

*FOR THE DEFENCE.*

ANNE ACTON.—Knew him from birth—a boarder with his mother, and carried on the linen trade. Captain Robinson and seven men quartered there; the mother went away. On the return Captain Robinson swore he should go with them—tears in his eyes. One got him by the collar, and I never saw him after. The family loyal subjects to King George, and Protestants. Took him by the collar going to and on return from Derby. He came alone to his house; when he came back he had boots on, and lay in a room by himself.

JOHN HEYWOOD.—Prisoner 25 years old; good character.

CHAS. WERREL.—A warehouse-keeper in London; a fair dealer.

*[Sir John Strange's reply on trial of George Fletcher.]*

As they have done on the part of the prisoner, it comes to my turn to trouble your Lordship and the Jury with a few words by way of reply; and as a great many things have been thrown out which are not material to the question whether the prisoner has been guilty of high treason or not, I will take notice of them as I go along, in order to lay them out of the case. The point they set out with is, that the prisoner has material witnesses who, they say, he could not compel to appear upon the trial, and that he has not had time to bring up his witnesses. I am surprised there should be any complaint of this kind, for the prisoner had a long indulgence of time, upon his own application and affidavit, to bring his witnesses here, which application he did not renew; and as to saying he could not compel them to come here, he had a right by law by a process to oblige them to come. I don't find there is any proof that any have been served with process for that purpose, for if they had, surely no man would be so sparing of his labour, if he could save a man's life, as not to take a journey for that purpose. He must be tried upon the evidence that is laid before the Jury, and it is upon that evidence they must judge. Both the gentlemen who are counsel for the prisoner plume themselves very much upon what Mr. Attorney-General opened—that the prisoner offered a sum of money for the commission he

had ; but when the thing was but just mentioned, Mr. Attorney-General was so fair as to stop the witness, who only said he had heard it, and as the circumstance is not proved, you, gentlemen, must take no notice of it as part of the cause. They have said also that several of the witnesses on behalf of the Crown, though they are legal witnesses, are to be considered as witnesses concerned in the crime, and therefore are not to be considered as credible evidence. But for my part, I don't know why these witnesses ought not to meet with credit, for if accomplices are not allowed to be witnesses (and it is a common thing almost at every sessions at the Old Baily) there would be great difficulty in the convicting of any persons of these crimes. Indeed, if this depended solely upon the evidence of a single person who is an accomplice, it would have very little weight, but when it is confirmed by a great many witnesses you will give it its proper weight, and besides those witnesses, you have had a gentleman in the service of the King, who was sent by the Duke of Cumberland to take an account of the names and ranks of the prisoners. He asked the prisoner his name, and he said his name was George Fletcher. He asked him in what capacity he was, and he said a captain. He went the next day by the Duke's command and called them all over again, and the prisoner at the bar answered to the same name he had given in the day before, and I do not find that his being forced was mentioned at that time. Now, as that objection with regard to accomplices is out of the case, what defence has the prisoner at the bar made? They say that he was always a good and loyal subject to his Majesty King George, and that he was forced into this rebellion, and that this force continued from the beginning to the end, and that he never had any liberty to withdraw himself from it, and if it is as they say, it is your duty to acquit him ; and from the proof, or failure of proving these circumstances, you are to judge whether he has been guilty of high treason or not. As to his being forced into the rebellion, which has been made use of in his behalf, though it is a defence, yet in point of law it must be proved in the clearest manner in order to answer the open acts of treason that are proved upon him. In the case of those who supplied Sir John Oldcastle and his accomplices then in rebellion with victuals, they were acquitted because it was found to be done *pro timore mortis et quod recesserunt quam cito potuerunt*. So there must be in point of law a total disinclination to the cause, a laying hold of the first



opportunity to desert it. And what proof is there of that in this case? They call a woman servant, who swears that he went into the rebellion by force, and mentions the circumstance of a rebel's taking hold of his collar and saying he should go with them upon the first march from Manchester to Derby, and again upon their return, and going from Manchester to Carlisle, and that he had tears in his eyes; but if you will consider some circumstance I will put you in mind of, it will greatly outweigh that or the other evidence. When the rebels came into Manchester they raised a regiment and got officers, and the prisoner's name was entered down as a captain, which promotion he accepted, and was reviewed as such by the Pretender's son. Do you find that he at any time after that declined this? No; he put on his military accoutrements, mounted guard, acted as an officer in the regiment, and the prisoner was so far from being backward in consenting to this, that when one of the rebel officers was beating up for volunteers, upon his saying "God bless King James" or "Prince Charles," the prisoner pulled off his hat and huzza'd. And although there were a thousand people within hearing, there were but twenty that joined with the prisoner in so doing. When Maddock, whose evidence they do not pretend to dispute now, told him he had a mind to leave them, he pulled out a handful of gold, and said while that lasted he should never want. If I do mistake, I beg to be set right. God forbid I should mention it if it is not proved that he pulled out a handful of gold and said that as long as that lasted he should not want. If his being laid hold of by the collar (which the maid has fixed on as a circumstance attending both his sallies from Manchester) did amount to an original force, yet it is not to be understood as a force continuing upon him all the time. Had he no opportunity of getting away from them? Was he always surrounded? One time they marched a whole night, and he might have got away, but you find him in the rebel army at the close of the evening, and you find him there in the morning, and then you find him as a rebel officer. The woman tells you that when he came from Derby back to Manchester he came home alone, and lay in a room by himself. If he had had a dislike to the cause, would he not have done as his mother did—go away with her effects? But he would not. They say he has committed no acts of cruelty—that the regiment had marched before, and was not at the skirmish at Clifton, where there were a great many men lost. There were acts of high

treason committed before that, and although he is not charged with any particular acts of cruelty, he was actually engaged in this rebellion, and all are principals.

My Lord, I will submit it to your Lordship whether this force, which is sworn to, of one man's taking him by the collar, can be considered as going into a rebellion *pro timore mortis*, for, if there had not been a good deal of inclination to this, he might have defended himself at first or have got from them. They were afterwards formed into companies, and then the prisoner chose his own men. There was no talk of force then, and I think they were hardly such bad politicians as to make a forced man an officer before they had tried him at all. 'Tis hardly to be supposed that they would have nominated such a man to the degree of a captain in the first instance. There is another thing they say, that the evidence against the prisoner is but weak evidence, and not so strong as in the case of Mr. Townley yesterday. But where is the difference? Is he not marching at the head of the Manchester Regiment in a hostile manner, wearing a sword, a plaid, sash, and a white cockade, and acting as an officer in that regiment, and defending Carlisle against the King's forces, which were the substantial circumstances in the case yesterday? Then, as to his dealings, they say he is a man of credit, and so he may be, and they pretend to prove that he is a loyal person to the Government, but I don't know that they have proved any such thing.

PRISONER'S COUNSEL.—Yes, the maid-servant did.

Sir J. STRANGE.—Consider that is only the opinion of the maid-servant, and the other witnesses who have been called for him do not prove that, though it was opined that they would.

Upon the whole, gentlemen, you are to consider whether the prisoner at the bar is one of those who has been guilty of high treason by joining in the late rebellion; and this is proved by more witnesses than the Statute requires, for this has been proved by six or seven witnesses, and the law requires but two. Therefore, I apprehend the prisoner is proved guilty of this indictment. If there are any alleviating circumstances they do not come under your consideration; what comes under your consideration is upon the facts which have been proved, and therefore I submit it to you upon the evidence.

[*Found guilty; executed 30th July, 1746.*]

## ALEXANDER MACGROUTHER, SENIOR.

JOHN ALLAN, No. 2.—The defendant was a lieutenant in the Duke of Perth's Regiment, and marched with the rebel army from Edinburgh to Carlisle, and was in the trenches in Carlisle when it was besieged and taken by the rebels. He was then armed with a sword and a brace of pistols.

JOHN VERE.—When the town and castle of Carlisle were besieged by the Duke I saw the defendant mount guard in Carlisle as an officer in garrison there in defence of the place, and he was then armed with a firelock, pistols, and broadsword and dirk, between the 20th and 30th of December, when the town surrendered to the Duke.

SAM. MADDOCK.—The defendant was frequently seen to mount guard in Carlisle at the Scotch and English port at the head of parties of the rebels when the town was besieged by the Duke. He was armed with a broadsword, dirk, and a brace of pistols, and wore the highland habit.

DAN. MCFARLAN, No. 15.—I was taken away from my house in Perthshire by a party of rebels and carried with them to Edinburgh, from thence to Dalkeith, where I had a baggage horse given me to lead. When the rebels marched from thence to Carlisle, the defendant was a lieutenant in the regiment called the Duke of Perth's regiment in the rebel army, and marched with that regiment as a lieutenant from Dalkeith to Carlisle, with colours flying, drums beating, and pipes playing before them. The defendant was then armed with sword and pistols, and I saw him amongst the rest of the rebels in possession of Carlisle on the Saturday after the town and castle surrendered to them. The defendant was left in garrison in Carlisle when the rebel army marched further into England. He mounted guard as an officer both in the town and castle before they returned thither, and he continued there in garrison as an officer when it was besieged and until it surrendered to the Duke.

HUGH MCDUGALL, No. 60; ISABEL CAMPBELL, No. 72.—Testify as to defendant's presence in the rebel army in England.

*FOR THE DEFENCE.*

Sergt. WYNNE.—He was forced in by Duke of Perth as his vassal—only tenant by tack. Had a mind to go from Carlisle. There was a warning by the Lord which would be enforced by burning house and carrying away the effects—a reasonable excuse for being in rebellion. A general meeting of court was called by the Duke, but he did not attend till third court. Then he was surrounded and carried off. He attempted to escape from Carlisle.

JAMES MORRISON.—He was under the command of the Duke of Perth. Defendant lives near me, and is only a tenant to the Duke of Perth. On 28th August the Duke of Perth came to a place within a mile of us, and sent a servant to us to convoy him over the Muir of Linney. Did not obey first or second summons, but on third (the same day) we went, and he proposed our going into the rebellion, which we refused; upon which the Duke of Perth ordered fire to the houses, and said he would tie anyone with cords. I did not go. He was surrounded by the Duke of Perth, Lord Strathallan, and more than 20 highlanders, and carried off. Twelve of us were there, and all carried but me. I was not tied. My son was a tenant, and would not go. Many tenants did not come to the meeting, but their houses were not burnt. I said that I would not go, and he said nothing more to me. I am 68 years old; my son 32, but not hurt. Great number of tenants stayed at home, but houses not burnt. Prisoner and I were children together; five years difference in age.

DUNCAN KRAW.—Defendant was a landholder under the Duke of Perth. It was the custom to obey commands. On 29th August a servant was sent to desire them to come and convoy the Duke over the moor. Second defaults, third summons should be hanged or tied. Then they went to the Duke of Perth, and he bade them go with him. He said he would give them arms, which witness refused, and some were ordered to be tied. Defendant refused. They were surrounded. Prisoner made moan. I did not go. The Duke spoke to all. I had no tenure from the Duke, but hold a house from him. Does not know whether to be a rebel is in tack or not. Were engaged at hay at first and second summons. Some of his tenants stayed behind, and were not forced to gang.

JAMES KING.—Three warnings. Cords produced. Not above a score summoned. All were told they were to go into the rebellion and fight, and prisoner cried. Parties were out to prevent deserting. They understood it was a hunting when they disobeyed.

PETER MACLAREN.—Three warnings. General notion that they must obey. He was a tenant of the Duke of Perth, but not called. Pay 5s. if don't go. I paid one guinea to be exempted, and so did many more, not to cut neighbours' throats.

CHIEF-JUSTICE as to the defence of force.—It does not clearly appear what relation he has to the Duke, but no tenure can be created between two subjects to justify rebellion against their mutual Sovereign. The law as to force rightly laid down by Sir John Strange must be a joining for fear of death and returning the first opportunity. He might have redeemed himself for money. He has not proved any attempt to leave them. He took a commission, and was set to guard others. It must be a continuing force to mount to an excuse.

*[Found guilty, but reprieved.]*

HENRY KERR.

JAMES PATERSON.—I know the prisoner, who was called Col. Kerr, very well, and that he was aide-de-camp to Lord George Murray. I saw him with the rebel army upon the march into England, from Dalkeith towards Lauder, and I was sent by Lord Elcho to a gentleman's house, about four miles on this side Dalkeith, to bring away what horses I thought proper for the use of the rebel army, and upon my arrival there the prisoner said that he protected that house, and would not suffer me to take away any horses. At that time the prisoner was armed with a broadsword and a brace of pistols, and was dressed in an English habit, a plain hat and white cockade in it. In the march of the rebel army in and out of England I saw the prisoner almost every day marching along with the rebel army, always on horseback, with pistols before him and a broadsword by his side. The prisoner usually gave orders to Lord Elcho about his marching, and was the most vigilant and

active man in the rebel army. That the day of the retreat of the rebel army from Carlisle into Scotland the prisoner was along with it, and gave orders to Lord Elcho's horse to march in the rear of the army. At Inverness, whilst that town was in possession of the rebels, I saw the prisoner there along with them several times before the battle of Culloden, always on foot. Upon the day of the battle of Culloden I saw the prisoner upon the field, along with the rebel army, on horseback, with pistols before him and his broadsword by his side.

ROGER MACDONALD.—I saw the prisoner a year before he was engaged in the rebellion, and saw him often at the Pretender's Court in Holyrood House in Edinburgh, after the battle of Prestonpans. He was sometimes called Colonel Kerr, and at other times aide-de-camp to Lord George Murray. The night the rebel army arrived at Congleton, near Newcastle, in the march towards Derby, a party of rebel army, horse and foot, was sent out to patrol in the road leading to Newcastle, which party the prisoner had the command of, and was armed with sword and pistols, and took Captain Vere prisoner. The day the rebel army retreated from Derby I saw the prisoner along with it, on horseback, armed as aforesaid. I particularly remember the prisoner sent me a horse to ride on. The prisoner did not march in any particular corps, but was about in all parts of the rebel army, and brought orders to them frequently about their marching, &c. Saw the prisoner on horseback, armed with sword and pistols, with the Pretender, when he reviewed the rebel army on Torwood Moor, near Stirling, a little before the battle of Falkirk. On the day of the battle of Falkirk I saw prisoner reconnoitring the King's troops after the rebel army had crossed the Ford of Dunnipace, near Falkirk, and was marching to attack the army under General Hawley. At Inverness, two days before the battle of Culloden, whilst in possession of the rebels, I saw the prisoner there on foot walking in the streets. The prisoner was a very active man in the rebel army, and was looked upon to be one of the best disciplined officers in it.

ALLAN STUART, No. 30.—I know the prisoner very well, and he was aide-de-camp to Lord George Murray. I first saw him in Edinburgh with the rebels before the battle of Prestonpans, and the night before the said battle he went to reconnoitre the King's troops under General Cope,

and brought word that there was a deep ditch in front of the King's troops, and that therefore they could not be attacked. That when the army under General Cope gave way, the prisoner was along with the rebels in pursuit of the King's troops on horseback, and with the rebel army in all their marches. He was in England, particularly upon the march from Manchester to Carlisle. That whenever there was a halt anywhere the prisoner was always waiting at the Pretender's quarters for orders, and when Lord George Murray marched into Ross-shire, in order to pursue Lord Loudoun, the prisoner was along with a party of rebels sent for that purpose. That upon the retreat from Ross-shire to Dingwall witness spoke to Colonel Kerr, and had some conversation with him. Saw the prisoner at Inverness with the rebel army frequently, but did not observe how he was armed. At Inverness he heard the prisoner give an account of having surprised some of the Hessians between Blair and Dunkeld, saying he wished Ardshiel's regiment had been with him, because he knew that regiment would obey orders, whereas the Highlanders that were with him fired too soon upon the Hessians, and had not suffered them to advance far enough. When the rebel army gave way at Culloden I saw the prisoner on horseback with his sword drawn, with a short coat on, and a bonnet, calling out to the rebels to rally. Prisoner had the reputation of being a very good officer, and was very active and vigilant in the Pretender's son's service.

WALTER SCOTT, No. 51.—I frequently saw the prisoner in Edinburgh when the rebels were there, dressed in English clothes, armed with a broadsword, white cockade in his hat, and pistols before him when he rode. Saw him very often at Holyrood House, where the Pretender's son kept his Court, acting as one of the Pretender's aide-de-camps by giving orders from the Pretender's son, going with the same and returning to Holyrood House, and continued in that position during all the time the prisoner continued at Edinburgh.

Capt. CAMPBELL, No. 52.—Testifies as to prisoner's appearance at Edinburgh, and says he once saw him in the Pretender's drawing room in Holyrood House writing.

JAMES GRANT, No. 54.—Saw the prisoner with the rebels in England and Scotland

Capt. EYRE ; Lieut. MOORE.—The prisoner told them he was aide-de-camp to the Pretender.

WM. CLARK.—Saw the prisoner with the rebels at Elphinstonpans, near Stirling, with the rebel Life Guards, also at Preston and Glasgow.

ANDREW JOHNSTON.—Saw prisoner at Carlisle, Derby, battle of Falkirk—where he was aide-de-camp—and afterwards at Fochabers, Elgin, and battle of Culloden, armed with a broadsword, and wearing white cockade.

ALEX. RUSSEL ; JOHN FALCONER ; FRANCIS CHALMERS.—All bear witness to prisoner's presence in rebel army.

Mr. CHAS. LESLIE.—Saw him at Edinburgh in October, 1745, with the rebels, armed as aforesaid. Saw him act as postmaster and inspect the letters of the post office.

ANDREW GIBSON ; WM. WILSON ; DAVID BELL.—These bear witness as to the prisoner's presence at various places with the rebels.

*[Information laid at Inverness—Found guilty, but reprieved.]*

ALEXANDER MACGROUTHER, JUNIOR.

JOHN ALLAN, No. 2.—The defendant was a lieutenant in the Duke of Perth's regiment, and marched with the rebel army to Carlisle, and was at his post in the trenches before the town when it was besieged by the rebels.

JOHN VERE ; SAM. MADDOCK.—When the town and castle of Carlisle were besieged by the Duke, defendant mounted guard as an officer in garrison in defence of the place, being armed with a firelock, broadsword and pistols between the 20th and 30th.

DAN. MCFARLAN, No. 15.—The defendant marched with the rebel army from Dalkeith to Carlisle, armed with sword and pistols, as a lieutenant in the regiment called the Duke of Perth's, and witness saw him again among the rebels in Carlisle the day they marched into it, &c. (as above).



Y. HUGH MCDUGALL, No. 60 ; C. ALEX. REACH, No. 91 ; C. JOHN OGILVY, No. 89 ; C. THOS. CHALMERS, No. 31 ; L. WM. MAGGEE, No. 7 ; La. ISABEL CAMPBELL, No. 72 ; L. ARCH. LAUDER, No. 131.—All these witnesses testify to defendant's presence with the rebels as an officer in England, and in the defence of Carlisle against the Duke of Cumberland.

WILLIAM MCGHIE.—Saw the prisoner with the rebels at Edinburgh, armed with sword and pistols, and upon the march with the Duke of Perth's regiment to Carlisle, drawing up the rebel soldiers there, and in arms.

*[Prisoner died before trial.]*

CHARLES GORDON.

JOHN VERE.—I was in Carlisle when it was besieged by the Duke, and the defendant was an officer in the rebel service, in garrison there, and did duty as such in defence of the place against the King's forces, being armed with sword and pistol.

JOHN URQUHART, No. 105. — I was a private man in the garrison of Carlisle when it was besieged by the Duke. Defendant was a lieutenant in the Pretender's service, and was left in garrison there by the rebels when they marched into Scotland. He did duty as an officer in defence of the place when it was besieged by the Duke, being armed as aforesaid.

C. THOMAS CHALMERS, No. 31 ; C. JOHN OGILVY, No. 89 ; C. ALEX. FORBES, No. 47 ; C. JOHN FRASER, No. 48 ; WM. MAGGEE, No. 7.—These testify as to prisoner's presence in Carlisle defending the place against the King's troops.

WM. WILLS, No. 110.—I saw the cannon fired from the castle of Carlisle upon the King's forces, and defendant was then in the castle among the rest of the rebel officers. He always appeared to be, was called, and acted as an officer in Carlisle.

ALEX. IRVINE, No. 125.—I saw defendant walking about the ramparts of the castle of Carlisle, observing that the sentinels did their duty. Whilst the rebel army was in England he was called, and appeared, as an officer left in garrison there by the rebels.

WM. MCGHIE.—I saw the prisoner with the rebels at Edinburgh, armed with sword and pistols, marching with Lord Ogilvy's regiment towards Carlisle, and afterwards in the castle of Carlisle, drawing up the rebel soldiers there, and upon duty.

SAM. MADDOCK.—I saw prisoner present at a court martial.

*FOR THE DEFENCE.*

Mr. Gordon a young man of well affected family. His father protested against the rebels, and was imprisoned for it. His eldest brother was with Cope. Was not trusted to guard the Scotch gate, at which only he could escape. Force a good plea, if extended for ever. Lord Hale don't say on which side the continuance of force should be shewn. We prove it originally, let them take it off. No distinction in the degree of high treason. Don't appeal to reason for their conduct in trusting him, for they never acted reasonably. As an officer he was more under their eye, being all the while in a garrison town—so the force continued.

Mr. JODDREL.—His father, in 1715, was on the side of the Government.

JAMES WATT.—The elder brother went with Cope. Prisoner went to the fair with his father's cattle, and was then seized by Glenbucket. Prisoner said he knew no other King but King George, and three took him. His father offered money, and Glenbucket said he wanted men and not money, and damned him. He is 17 years of age. The father imprisoned in November for a protestation against Glenbucket for meddling with the Duke of Gordon's men, he being his bailif of regalities. He was carried on Hussars' saddle, surrounded by 40. No cattle taken or house burnt.

JOHN SLORACH.—I went with him (prisoner) to sell the cattle. Glenbucket's son told him prisoner was to serve the King. What King? King James? I know no King but King George. I went and told the father, and he said perdition catch the old villain. His sisters cried.

JAMES RENNY.—He was brought into Banff on bare horse and guarded. He had no arms, and was so carried out next day.

ANNE GRAHAM.—Quartered at the Grapes, and paid for everything he had, and behaved civilly. The Scotch gate walled up.

The PRISONER.—My heart was never along with them.

Chief-Justice LEE.—It is incumbent on prisoner to shew the continuance of force stronger against them with respect to being trusted as officers.

*[Guilty. Recommended on account of his youth. Reprieved.]*

ALEXANDER MACLAUCHLAN, MAJOR.

ALLAN STEWART, No. 36.—The first time I saw the prisoner with the rebels was as he went from Edinburgh to Haddington and Dunbar, to raise the cess in these places for the rebel army. The prisoner, who was called Major, went with a party upon that occasion, mounted upon a fine brown stallion, dressed in highland clothes. The cess was raised by the party with which prisoner marched in this expedition, but whether in going or returning I saw prisoner with said party at Musselburgh, within 3 or 4 miles of Edinburgh. I saw prisoner with the rebel army at Inverness walking in the streets dressed in a highland dress, with his sword, 6 or 7 days before the battle of Culloden.

ROGER MACDONALD, No. 45.—[Deserted by staying to have his horse shod.] The first time I saw the prisoner with the rebels was at Edinburgh whilst in their possession after the battle of Prestonpans, and he was dressed in highland dress, and wore a broadsword. Saw him afterwards with the rebels at Pennycook, about 8 miles from Edinburgh, the first night of the march towards England, dressed and armed as aforesaid. The night before the engagement at Culloden, when the rebel army was drawn up upon Culloden Moor in expectation of the Duke of Cumberland's army, I saw the prisoner upon the said Moor, dressed and armed as aforesaid, but don't know what corps he belonged to.

Capt. CAMPBELL, No. 52 ; THOS. ARMSTRONG.—Testify to prisoner's appearance in the rebel army. The last named saw him in highland dress with the rebels at Fochabers, and acted as a van officer in that army.

Capt. EYRE ; Lieut. MOORE.—After his surrender the prisoner gave to them his name and title as Major in Tullibardine's regiment.

ALEXANDER RUSSEL.—Prisoner was Major in a regiment of the Stewarts in the rebel army, and was with them at Edinburgh and Duddingston, armed with a broadsword and pistols, and sometimes with a blunderbuss, in highland dress and white cockade.

JOHN FALCONER.—I saw prisoner with the rebels at Glasgow and Elgin, armed and dressed as above.

*FOR THE DEFENCE.*

Mr. GORDON.—He retired to Alex. MacLauchlan's house, a friend of the Government, and (was) there seized. Called himself an officer to be better used. On return of the rebels he quitted his house with his wife, and went in a boat for Isle of Skye, where wife's relations lived. Shipwrecked on the way, and had bloody flux—marched back to his own house, where in April was surprised by the rebels—Macleans.

ALEX. MCMASTER.—Witness was servant to the prisoner. Messages came in August, 1745, from Lochiel—prisoner went away to Lochiel. Returned in 3 days and went out again the same night, but did not tell whither. I did not see him again till November, and then at his own house, and he stayed all winter and part of the spring till March ; then I and other three lads went with him and his wife in a boat in order to go to Isle of Skye—bad weather put us in at Arisaig—lay 14 days sick—boat stolen. Returned home on foot 25 miles—stayed 4 or 5 days at home, when party came and took him away—about 80 armed. Prisoner had no arms and went unwillingly. He was then ill. They carried him eastward, where Inverness lies. The boat had 4 oars and small sail. The other three were not prisoner's servants, but cottagers and a pedlar. He had two other servants who tended cattle. The names of those present when master taken were:—Hugh Kennedy, John Mackenzie, Dougal McMartin, Hugh McClocklan. The 12 rebels came into the house in night time in hinder part—stayed an hour. When daylight they forced the door open—all family in bed. Thinks the bar was forced open with a pole that stood by—saw him taken in his bed. No part of

rebel army came near in the retreat. Four maids and two men servants and I lay in the house when surprised.

LACHLAN DOW.—Witness is servant to Allan MacLauchlan in Argyleshire, 30 miles from prisoner's house. It was in August prisoner came and stayed 24 days. We had orders to deny him. Then the laird of MacLauchlan surrounded the house in the night by 30 men armed. The laird said it was to find prisoner, and would search, and found him. Guarded him till light, and then carried him away against his will.

DONALD MUNRO.—Prisoner was sick after Culloden—handcuffed and striped, and wrapped in blankets.

*[Information laid at the town of Inverness—Guilty, but reprieved.]*

ALLAN CAMERON.

ALLEN STEWART, No. 37.—I remember to have seen prisoner marching along with the rebel army, habited always in highland clothes, but cannot tell any particular place where I saw him.

Capt. CAMPBELL, No. 52.—I know Allan Cameron very well: he was captain in Lochiel's regiment. I frequently saw him along with the rebels at Edinburgh, when they were there, armed with broadsword, pistols and dirk, in highland dress. This Cameron was several nights in this witness's house at Edinburgh during the aforesaid time, and told this witness that he commanded a company in Lochiel's regiment. Saw him one night when he was an officer of the rebel guard in the guard house in Streight Bow. Another night I saw prisoner in company with Lord George Murray in the Lawn Market, when it was said the rebels were going to make an attack on the castle.

JAMES PARKER.—I saw the prisoner with the rebels at Stirling after the battle of Falkirk, dressed in the highland dress, white cockade, and armed with a broadsword. Saw him afterwards with the rebels at Crieff and Aberfeldy; at Ruthven in Badenoch; at Lochaber, and at the siege of Fort William. Afterwards at Inverness, armed and dressed as aforesaid. The prisoner was an officer of Lochiel's regiment, and was drawn up and reviewed at Inverness by the colonel before the battle of Culloden.

Capt. EYRE; Lieut. MOORE.—These gentlemen were appointed by his Royal Highness to take an account of the rebel officers taken at the battle of Culloden, and, upon examination, the prisoner told them he was a captain in Lochiel's regiment.

WILLIAM CLARK.—Defendant was a captain in Lochiel's regiment in the rebel army, and was afterwards a captain in the Artillery, with which he marched to the attack of Inverness, Fort Augustus, and Fort William, armed and dressed as aforesaid.

ALEX. RUSSEL.—I saw prisoner mount guard at the Abbey, Edinburgh, armed with a fuzee, sword and pistols, dressed in the highland dress and white cockade.

*FOR THE DEFENCE.*

Mr. GORDON.—Prisoner has wife and 10 children. Tenant of Lochiel, who summoned all in—prisoner refused—rights of superior always absolute. He was always guarded.

ALEX. CAMERON of King George's Guards.—[This witness was not examined, as the prosecution opposed his examination to prove Lochiel's power, as the court said it was improper.]

NIEL MACMILLAN.—I saw prisoner at Lochiel's house in August, September, 1745, and Lochiel said he must go and join the Prince. He refused, and Lochiel took and ordered him to be confined, and I saw him come towards prison. 23rd August at Mawie saw him amongst 50 people with arms, but prisoner had none. They said it was because he refused to join. Four days after I, returning with my horses, met a party guarding prisoner. In April last first saw prisoner amongst 100, and one going behind him held a rope. They said he had deserted so often he would be put to death, and they should have no more trouble with him. This was one mile and half from Fort William. Did not see him in the intermediate time. This was two or three days after the siege of Fort William, going towards Inverness. Prisoner was within 7 miles of Fort William. Has wife and 10 children.

DONALD MACPHERSON.—Beginning of August, 1745, I was at Lochiel's. I keep horses near Fort William. Went to demand a debt

of Ewen Cameron. Saw 7 men take him out of prison, and lead him to Lochiel's house. I followed; In going the officer told prisoner if he did not join the Prince, Lochiel would hang him. Prisoner answered he might do so, but *if he had an equal force with Lochiel, he would prevent Lochiel's going into the rebellion.* On 22nd and 23rd I saw him at Mawies surrounded, and, without arms, put into a barn with two sentinels with drawn swords. 4th or 5th September I saw him as I carried my horses from Perth, with 24 men bringing him to Perth. MacMillan and I were bringing back our horses. He had no arms. In April saw him amongst 100, and one had a rope, within a mile and half of Fort William. Saw him as I stood at my own door.

*[Information laid at city of Edinburgh—Guilty, but reprieved.]*

#### JOHN BURNETT.

JOHN VERE; SAM. MADDOCK; THOS. CHALMERS, No. 31; JOHN FRAZER, No. 48; ALEX. FORBES, No. 47.—These witnesses say that defendant was one of the rebel officers in garrison in Carlisle—a captain in the rebel train of Artillery—and did duty as such in Carlisle (when the same was besieged by the Duke), armed with a sword and pistol.

AUSTIN COLEMAN, No. 34.—Witness wheeled sods to repair a battery in the castle of Carlisle, where the defendant commanded, and when the Duke's forces appeared upon a hill about half-a-mile from Carlisle, defendant fired the first cannon at them from the English port in Carlisle.

ALEX. REACH, No. 91; JOHN URQUHART, No. 105; JOHN OGILVIE, No. 89.—These witnesses testify to defendant's presence in Carlisle when besieged by the Duke.

JOHN ALLEN, No. 2; WM. WILLS, No. 110.—These witnesses were in the castle of Carlisle when the cannon were fired from thence upon the Duke's army, and then the defendant was there amongst the rest of the rebel officers. Saw him at that time upon the ramparts assisting several times in pointing the guns which were fired upon the Duke's army.

WM. MAGGEE, No. 7.—Testifies as above, and says defendant paid some of the soldiers of his company in Carlisle during the said siege.

ALEX. IRVINE, No. 125.—I saw the cannon fired from the castle of Carlisle upon the Duke's army, and the defendant upon the ramparts, and heard him give directions to the gunners several times for fixing the guns.

ARCH. LAUDER, No. 131.—I saw defendant assisting in levelling the cannon upon the King's army, and I received 7d. a day during the time I was in Carlisle from defendant as my officer.

JOHN WHITE, No. 109; JOHN WILLIAMSON; CHARLES HENDRY; THOMAS GORDON; JOHN MACKINSON; Mr. CHARLES LESLIE.—All these witnesses testify as to prisoner's presence with the rebel army, armed with sword and pistols, in highland clothes, with white cockade, &c.

ROGER MACDONALD.—Saw prisoner several times with the rebel Artillery, in the retreat towards Carlisle, both on horse and foot.

ALLAN STEWART.—I saw him a few days after the battle of Prestonpans firing the cannon taken from General Cope at a mark at Holyrood House; and I also saw him on the march with the rebel Artillery on the way to England, but knows not at what particular place nor what arms he carried.

THOMAS DRAKE.—I saw the prisoner at Derby armed with a broadsword, and a belt over his shoulder.

WILLIAM MCGHIE.—I saw him at Edinburgh, armed with a sword, when the Pretender was proclaimed; at the rebel's camp at Duddingston with sword and pistols; upon the march with the rebel Artillery to Carlisle; drawing up the rebel soldiers, and upon guard, and busy among the cannon when they were firing upon the Duke's army.

JOHN DAVISON.—I saw defendant with the rebel officers in Carlisle, when the rebels marched away to Scotland.

*FOR THE DEFENCE.*

PRISONER.—I was taken prisoner by Glenbucket and forced. Offers a certificate of his character, which rejected, there being no oath.



THOMAS SHAW.—Glenbucket came to the prisoner's house, who had fled, but was found at Kildrummy by 40, and taken away with drawn swords and bound. It was because he and others dissuaded the country people from rising about the middle of September. Was esteemed well affected to the Government.

JOHN MILLS.—I heard him lament his being forced to fly from his house. He had been in the King's army before, and that made them more desirous to get him.

*[Found guilty, but reprieved.]*

JAMES STORMONTH.

WILLIAM FUDD.—I saw the prisoner with the rebels at Stirling before the battle of Falkirk with a white cockade in his hat, and saw him on the day of the battle of Falkirk marching up on foot along with Ogilvie's first battalion to the battle, and carrying the colours there, and soon after the engagement began I saw the prisoner running away from the battle, having dropped the colours, whereupon Lord Ogilvie cried out, "My colours are gone," and witness saw Major Glascoe take them up. I saw the prisoner marching along with the said battalion to Perth, and saw him there with them

JOHN DOGE.—I saw the prisoner at Stirling, after the battle of Falkirk, in highland dress, with a sword by his side and a white cockade in his hat, walking up and down with other rebel officers. He was called a lieutenant in the first battalion of Lord Ogilvie's regiment.

Capt. EYRE; Lieut. MOORE.—These gentlemen were appointed by his Royal Highness to take an account of the rebel officers taken at, or surrendered to the King's forces, after the battle of Culloden, and the prisoner told them he was an ensign in Lord Ogilvie's regiment.

WM. WILLS.—I saw the prisoner with the rebels at Leith in October, 1745, soon after the battle of Prestonpans, armed with a broadsword, and he had a white cockade in his bonnet. He was called a captain in Lord Ogilvie's regiment. He marched with the rebels to Carlisle. I saw him

every day upon the said march, and particularly at Moffat and Riccarby, near Carlisle, along with said regiment, during the siege of that place by the rebels.

JOHN REACH.—I saw him at Leith and Edinburgh, armed and dressed as aforesaid.

JOHN WILLIAMSON.—I knew him to be an officer in Lord Ogilvie's regiment, and saw him upon the march with them to Carlisle, armed and dressed as forsaied, sometimes with a jockey coat over them.

FOR THE DEFENCE.

THOMAS STARK.—Prisoner came back 8 or 10 days before the retreat from Stirling. Resided in Aberdeen (?) in March. He sent to the sheriff and minister—he was ill—to surrender. He went, and they came in the afternoon, and he said, As I surrender to you I shall be at your call when you please. He stayed till Hessians apprehended him. Living on 1000 merks on his own wife's estate.

Mr. BRUCE.—Reclaimed as a gentleman since married, but a queer man before.

[*Found Guilty.*]

*Memorandum—James Stormonth's Case.* He was one of the rebel prisoners at whose trial such favourable circumstances appeared, that Lord Chief Justice Wills wrote in his favour to the Duke of Newcastle: when he was brought out of prison into a messenger's house His Grace the Duke of Argyle spoke to the Duke of Newcastle about him, who in his presence sent for Mr. Stone to know if what was said in the said James Stormonth's favour was true, which Mr. Stone assured his Grace that it was, upon which his Grace was pleased to order Mr. Stone to mark him down for a free pardon; but the hurry he was in going abroad with his Majesty, and Mr. Ramsden (to whom Mr. Stone was so good to recommend it) going soon afterwards with the Duke of Newcastle, those in the office either did not know or forgot it, so that when the Regents met to determine the prisoners' fate,

James Stormonth was in the list of those to be transported to the plantations for life.

The Duke of Argyle told the Regents what had passed betwixt the Duke of Newcastle and him about said James Stormonth, and the Duke of Bedford was to write to his Grace about it ; meantime his name was scratched out of that list, and his fate is not as yet determined, to the great detriment of the poor man, who has little or nothing to support him.

CHARLES OLIPHANT.

JOHN FARQUHAR, a groom.—I know the prisoner was acting and aiding in the rebellion, and saw him in arms with the rebels at Bannockburn and several other places.

JAMES DRUMMOND.—The prisoner was called lieutenant in Lord John Drummond's regiment, and was with the rebels at Montrose, then in Lowland clothes. Saw him with them at Fort Augustus in highland clothes, armed with a fuzee and sword. Saw him drawn upon Culloden Moor with the rebels the evening before the battle.

JOHN LOW, servant to Lieut. Kerr.—I will prove that the prisoner was a lieutenant, and that I saw him drawn up on the moor near Culloden on the day of the battle along with the rebel army ; also at Montrose, Perth, Stirling, Fort Augustus and Inverness, armed as aforesaid.

ANDREW ROBERTSON.—I saw the prisoner with the rebels at Fochabers and Elgin in Moray when the rebel army, and particularly Lord John Murray's regiment, lay there, and were in possession of those places, and the prisoner wore the uniform of Lord John Drummond's officers, viz :—short blue coats, red vests laced, with bonnets and white cockades.

JOHN DUCKWORTH ; DONALD CHISHOLM.—These witnesses saw the prisoner at Montrose, Falkirk, Stirling, Aberdeen, Fochabers and Inverness. He had a sword and pike, and was called a lieutenant in Lord John Drummond's regiment.

WM. MCGHIE.—I have known the prisoner twenty years. He was an officer in the Excise at Aberdeen, and afterwards at Inverness till the rebellion broke out. Saw him at Holyrood House with the rebels in October, 1745, with a small sword by his side and a white cockade in his hat, and he was then waiting until Lord John Drummond's regiment should come over, and he was then to have a commission.

THOMAS HENDERSON.—I saw him at Fort Augustus with the rebels the beginning of April last. He was then delivering out brogues, or shoes, to the men there. Saw him afterwards at the head of his company at Inverness, armed with sword and gun. Saw him drawn up on Culloden Moor the day of the battle.

Capt. EYRE ; Lieut. MOORE.—The prisoner upon his examination at Inverness told these gentlemen he was a lieutenant in Lord John Drummond's regiment.

FOR THE DEFENCE.

Mr. GORDON.—A servant to Lord Lyon. Looked upon as a spy and imprisoned in Aberdeen until Lord John Drummond's regiment came, and pressed him into the service, or else be hanged. The King's witnesses contradict each other.

Mr. MORTON.—Compulsion agreed to be a defence if continued, which shall be shewn.

WM. VASS.—In November, 1745, I saw him in guard room at Aberdeen a prisoner. Heard he was to be hanged as a spy. Was guarded on the march to Montrose. Wore a blue coat and laced waistcoat and hat when in Lord Lyon's service, which he left 7 years ago.

JAMES WILSON.—Keeps a public house at Aberdeen. Charged as a spy and put into the guard. Saw him afterwards at liberty, and he wanted me to get him a horse to go to Dundee, which I could not. This was after the retreat from Stirling.

[*Found guilty.*]

## HENRY AND ROBERT MOIR.

DAVID BELL, drummer to same troop.—The prisoners were both private men in Lord Balmerino's troop of the Pretender's son's Life Guards, and I saw them all the way upon the retreat with the rebel army from Derby back to Scotland. Saw them drawn up with the troop and reviewed by the young Pretender at Glasgow; and saw them both drawn up with the troop at the battle of Falkirk, sword in hand. Afterwards saw them drawn up on Culloden Moor with the troop the day of the battle there.

EDWARD GIBSON, private man of same troop.—Corroborates above. I first saw them at Manchester on the march to Derby, and afterwards all the way in the retreat to Scotland, and particularly at the review at Glasgow. They wore the uniform of said Life Guards, and were armed with sword and pistols.

JOHN BAPTIST TROMENT.—Corroborates above.

*[Found guilty.]*

## ALEXANDER MACKENZIE OF CORIE.

HECTOR CAMPBELL.—I saw the prisoner in April last, at Thurso in Caithness, with about 2 or 300 men of Lord Cromartie's regiment. He was dressed in highland clothes, and was armed with a broadsword and pistols, being esteemed one of the officers of that regiment. Saw him at the guard room in Thurso putting the men in order, and acting as an officer in command.

GEORGE SINCLAIR.—I saw the prisoner in arms at Thurso in Caithness with Lord Macleod's men. Lord Macleod forced witness to attend the said Corie as a guide into the parishes of Wick and Canesbie in Caithness, whither the prisoner went to warn the inhabitants of the said parishes to send their cess and men by a certain day to Thurso; to which parishes and on which errand the witness attended the prisoner, and returned with him to Thurso. Marched afterwards with him to Dunrobin, where I saw him deliver up his arms to Lord Sutherland's men.

DONALD MUNRO.—The prisoner was factor to Lord Cromartie. Saw him with Lord Cromartie's regiment at Strathpeffer in the shire of Ross, and he marched from thence to Perth armed with a broadsword and pistols. He was called a lieutenant in that regiment, and I saw him afterwards in the march from Perth to Stirling armed as aforesaid. Saw him the morning of the battle of Falkirk at Bannockburn drawn up for the march to Falkirk; saw him four days after the battle at Bannockburn, and upon the march from thence to Aberdeen, every day. Saw him with the said regiment at Thurso in Caithness, and at Dunrobin with Lord Cromartie and his officers. He kept back several. Ardlow and Keppoch offered him a lieutenancy, and said he would not join the army and act only as a servant. Heard officers advise them to give in as officers to be better used.

HUGH ROSS.—Prisoner was an officer in Lord Cromartie's regiment in the rebel army, and was with them at Perth. I afterwards saw him march up with the rebels to the battle of Falkirk, armed with broadsword and pistols.

HENRY EDWARDS.—I saw prisoner with Lord Cromartie's regiment at Perth, when the rebels were in possession of those places, and he was called an officer, and did duty as such. Was dressed in highland clothes, with white cockade, armed with sword and pistols. He rescued me, and gave me good information. He reviewed their firelocks. Lord Cromartie was not there then.

Capt. EYRE; Lieut. MOORE.—Prisoner, upon his examination at Inverness, told these gentlemen he was factor to Lord Cromartie, and lieutenant in his regiment.

*FOR THE DEFENCE.*

Mr. FORD.—Owing to obedience to his master, a local tyrant. Good principles—usual arms. Representing himself as an officer only for favour. Went only to Perth to sell cattle. Refused lieutenancy to A[rdlow] and K[eppoch].

Mr. ROBINSON.—I knew him seven years. Gatherer of Lord C.'s rent. In October, 1745, he drove out black cattle to Beauuly, but they came back. Drove them out of the way for fear of A[rdlow] and K[eppoch]. Said it was his misfortune to be factor, else he could have excused himself, but he would keep to his business and not meddle with the army. Saw him again in March when he came to collect feu-duties for Lord C. They called him a treacherous rascal to his master—ever since the rebellion began. Those were his words. He found my servant, but he was taken away again. Always against the rebels.

JOHN CAMPBELL, Esq., Collector of Customs in Robinson's Parish.—He appeared well affected to the Government; advised me to leave the country for fear of insurrection, as friendship to me and Government. In 1738 he discovered an intended fraud.

CHARLES JAMES LEE.—If ever acted as officer, soldier in giving assistance. If a driver of cattle for service of rebel army, need not also be proved to act as soldier, while if acted only as a mere seller of cattle.

*[Found guilty.]*

GEORGE LAW, THE PARSON.

ALEXANDER SMITH.—I saw the prisoner with the rebels at Fochabers, and along with them on the march from Speyside to Elgin on horseback, where I saw him several times. Saw him afterwards with the rebels at Nairn, and several times wearing a white cockade. He always wore a hat, and he was seldom without a white cockade in it. Reported to be chaplain to the Aberdeenshire squadron of rebels.

HUGH ROSS.—I saw him riding with some of the rebels between Fochabers and Elgin, at which last place I several times saw the prisoner along with the rebels. He was dressed in black clothes, but never saw him with arms or wear any cockade.

JAMES CHARLES, an Aberdeen tailor, of Stonywood's regiment.—I have known the prisoner many years, and on or about the 20th of February last heard him preach at Aberdeen to a congregation mostly of

rebels, and then and there heard him pray for the Pretender, and for success to his arms under His Royal Highness Prince Charles—Prince Regent. I saw the prisoner march from Aberdeen with Stonywood's regiment, with a white cockade in his hat. He was reputed to be, and witness believes he was, chaplain to the said regiment. His own son went with him from Aberdeen—wore a white cockade and a small sword, and marched with Stonywood's regiment. Thomas Scott, the prisoner's stepson, was an ensign in the said regiment. The prisoner warned the said regiment, when they lay at Fochabers, that he would preach there on a certain day then named, and desired their attendance. On a Sabbath day, two or three Sundays previous to the battle of Culloden, I heard the prisoner, in a meeting house at Fochabers (the congregation of which were mostly Jacobites), preach and pray for King James the Eighth, and for success to his son Charles the Prince Regent's arms.

JAMES DRUMMOND.—I saw the prisoner ride out of Aberdeen in company with a quartermaster of Stonywood's, and along with that regiment armed with a sword by his side, and his son was with him with a white cockade in his hat, and a small sword by his side. I saw the prisoner and his son every day on the march with the said regiment until they arrived at Fochabers, and at night in company with the officers of said regiment, at their quarters on the said march. I heard the prisoner encouraging the men.

DAVID STEWART.—I saw the prisoner and his son at Fochabers and Elgin with the rebels.

ROBERT BRUCE, of Crichton's regiment.—I have known the prisoner many years. I heard and believe he attended Stonywood's regiment as chaplain, and marched everywhere with them. Saw him at Perth with the rebels when they lay there.

JOHN INNES.—Saw the prisoner with the rebel army at Turriff.

JOHN MACDONALD; ALEXANDER SHAND; EDWARD SMITH.—These witnesses, all of Fochabers and confined on suspicion only, prove that whilst the rebel army lay there the prisoner was seen by them every day in company with the rebel officers, and that he went with them at night to the Murray side of the Spey, where the rebels lay and retired to every night.



JAMES ROSS, Sen. ; JAMES ROSS, Jun.—These witnesses prove the prisoner to be a minister of a non-juring church at Aberdeen before the rebellion. They saw him first at Banff with Stonywood's regiment, and he was reputed to be Stonywood's chaplain. Saw him several times with said regiment afterwards at Fochabers and Elgin. Never saw him upon the march, nor remember to have heard him preach or pray, or to have seen him wear any cockade.

ALLAN STEWART.—I remember to have heard the prisoner either preaching or praying to the rebels at Glasgow, but do not remember if it was for or about the Pretender's son. It was generally reputed the prisoner was one of the preachers in the rebel army, but I do not remember to have seen him anywhere in Scotland but at Glasgow. I saw him at Glasgow when the rebels were in possession of the place, and heard him preach in the Grammar School there to a congregation mostly composed of the rebel army. Knew his usual residence to be at Aberdeen, and heard and believe he followed the rebel army, and was with them in England ; particularly at Kendal, where I apprehend he preached in the evening of a Sunday, and that the curate of Kendal preached the same Sunday, in the afternoon, to a crowded audience, and that he was invited and did dine on that day with the young Pretender. That he went from thence with the rebel army.

Capt. EYRE ; Lieut. MOORE.—The prisoner when examined at Inverness told them he was a non-juring minister, and was chaplain to Stonywood's regiment.

ALEX. REACH.—I saw prisoner in the beginning of November, 1745, at Dalkeith, with the rebels, when the Pretender's son was there.

[*Acquitted.*]

ADAM HAY.

HUGH ROSS.—The prisoner was a private man in Lord Pitsligo's horse, and I first saw him at Aberdeen with the rebels armed with a broadsword. Saw him afterwards with them at Edinburgh, and afterwards

upon the march with the rebels into England, particularly at Manchester and Derby. Saw him again at Stirling in the retreat, till which time he was in Pitsligo's horse. Saw him afterwards upon Culloden Moor drawn up there the day before the battle, when the rebel army was drawn up there, dressed in highland dress and armed with a broadsword, but what he then belonged to I cannot tell.

JOHN SMART, servant to the prisoner.—The prisoner went from Buchan in Aberdeenshire; raised about 13 or 14 men, marched them to Fochabers, thence to Elgin, where he joined Stonywood's Regiment of Foot in the rebel army. He was then armed with a broadsword and pistols. Thence he marched with the regiment to Inverness, and the prisoner's men were at the battle of Culloden, but prisoner was at Inverness.

JOHN COWIE.—I saw the prisoner with the rebels at Fochabers in their retreat northwards, and he was then called a captain in Stonywood's regiment, being dressed in highland clothes, and armed with sword and pistols.

JAMES DONALDSON.—I saw prisoner with the rebels at Edinburgh. He was then in Lord Pitsligo's regiment, in highland dress, a white cockade in his hat, and armed with a broadsword. Saw him upon the march with the rebels into England, particularly at Derby and Carlisle, and back again almost every day. Saw him afterwards with the said regiment at Glasgow, Falkirk and Stirling, dressed and armed as aforesaid; afterwards with the rebels at Aberdeen, Fochabers and Elgin.

WALTER SCOTT.—I frequently saw the prisoner at Edinburgh with the rebels when they were in possession of it, dressed in a highland habit, with a white cockade in his bonnet, a sword by his side, but does not know what commission he had. He was formerly a writer in Edinburgh.

JOHN DRUMMOND.—I saw the prisoner in arms with the rebels. He was one of the escort that attended the Duke of Perth from Preston.

JAMES DAVIDSON, servant to Carnousie.—I saw the prisoner in arms with the rebels at Manchester and several other places.

DAVID STEWART.—I saw him in tartan dress at Elgin with the rebels when they lay in that town.

ALAN BOVIE, servant.—I saw prisoner marching armed with the rebel army 4 miles from Manchester, dressed in tartan clothes and white cockade.

Capt. EYRE ; Lieut. MOORE.—These gentlemen were appointed by His Royal Highness to take an account of the rebel officers who were taken at or surrendered to the King's forces after the battle of Culloden. The prisoner then told them his name, and that he was a volunteer in the regiment called Pitsligo's, and afterwards in Stonywood's.

*[Guilty—Recommended by the Jury.]*

ANDREW SPRULE.

HUGH ROSS.—The prisoner was a volunteer in Lord Pitsligo's horse in the rebel army, and I saw him with them at Manchester dressed in highland clothes, armed with a broadsword. He was drawn up with that regiment opposite the Pretender's lodgings in that town. Saw him frequently with said regiment on the march in Scotland, particularly at Glasgow.

JAMES DONALDSON.—The prisoner was a volunteer in the same regiment, and marched with it into and out of England. I saw him almost every day upon the march or in quarters. He was armed with a broadsword, and a pair of pistols before him. He marched with said regiment out of Manchester towards Derby, and I saw him afterwards with it at Elgin, in the shire of Murray, when it was broke.

Capt. CAMPBELL.—I saw the prisoner at Edinburgh when that place was in the rebels' possession. He wore a white cockade, and was armed with a broadsword, but I know nothing of his command or regiment.

ALLAN STEWART.—I saw prisoner in his boots, dressed in a highland coat, with a sword by his side, protecting Sir Michael Bruce's house, about two miles from Falkirk, from the fury of the highlanders, who would have plundered the same in revenge for Sir Michael's having raised a company of men for the Government. I dined with him there, and heard him declare he belonged to the horse in the rebel service, and that his errand to Sir Michael Bruce's was to protect his house.

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JOHN MASON.—I saw the prisoner in arms at Inverness with the rebels.

Capt. EYRE ; Lieut. MOORE.—The prisoner told these gentlemen that he was a private man in Lord Pitsligo's horse.

Mr. CHARLES LESLIE.—I saw prisoner with the rebels at Edinburgh in October, 1745. He was then armed with a broadsword, and wore a white cockade.

WILLIAM MACGHIE.—I saw him with the rebels at Edinburgh, and in Pitsligo's horse at Moffat, march into Carlisle with them, and in the retreat saw him march out north with them, armed with broadsword and pistols.

*[Acquitted by Mr. Attorney's consent.]*

WILLIAM MURRAY OF TAYMONT.

ROGER MACDONALD, No. 25.—I often saw William Murray of Taymont with the rebels at Holyrood House in Edinburgh, whilst the Pretender's son kept his court there, after the battle of Prestonpans, with a small sword by his side, and I am positive that in the march into England I saw the prisoner at several places, marching along with the rebel army on horseback, with pistols before him and small sword by his side. On the rebels' retreat out of England I saw the prisoner at supper with the Pretender's son at Carlisle, which was the same evening the action happened at Clifton Moor between the King's troops and the rebels. He was generally about the person of the Pretender's son, and I saw the prisoner at Inverness along with the rebels whilst that town was in their possession, before the battle of Culloden, on foot with his sword by his side. Once at Inverness I saw the prisoner at supper at the same table with the Pretender's son, Sir Thomas Sherridan and Sullivan.

JAMES PATERSON, No. 26.—Testifies as above. The prisoner was dressed in a blue coat and a small sword by his side. I saw him with the rebels at Falkirk upon the retreat of the rebel army out of England. I saw him at Inverness before the battle of Culloden frequently, and particularly at the Pretender's son's lodgings several times in that town, whilst the rebels kept possession of it. He constantly at Inverness wore his small sword by his side ; and, the day before the battle of Culloden,

I saw him walking in the rebel camp upon Culloden Moor with some rebel officers, and same day saw him returning to Culloden house on horseback from the camp—the Pretender's son and several persons of distinction being at that time in company and returning together to Culloden house.

ALLAN STEWART, No. 26.—I saw the prisoner at Holyrood house after the battle of Prestonpans, when the Pretender's son kept his court there, with a small sword by his side and dressed in a blue coat. I frequently saw him at the Pretender's son's court at different places, dressed as aforesaid, particularly at Edinburgh and Inverness. Before the battle of Culloden I often saw prisoner dressed and armed along with the rebel army at Inverness. Saw him at dinner at the same table with the Pretender's son at Inverness, before the battle and at other places.

JAMES SCOTT.—I saw him at Edinburgh along with the rebel army, dressed in blue English clothes, and a small sword by his side.

WILLIAM REED.—Testifies as to prisoner's presence in the rebel army, but cannot recollect the particular places, nor what arms he had, or whether he wore a white cockade.

Capt. EYRE ; Lieut. MOORE.—The prisoner told these gentlemen he was a volunteer in the Duke of Perth's regiment.

ANDREW JOHNSTON.—Prisoner generally attended upon the Pretender's son at Edinburgh, and was in the habit of the Pretender's Life Guards. Wore a white cockade, and was armed with a broadsword and pistols when he rode, a small sword when he walked. He marched with the rebels from Edinburgh to Derby and back, and was at the battles of Falkirk and Culloden, and rode off with the Pretender's son.

Mr. CHARLES LESLIE.—I saw prisoner frequently with the rebels at the Abbey in October, 1745, dressed as aforesaid.

DAVID BELL.—I saw prisoner with the rebels at Bannockburn, both before and after the battle of Falkirk, and afterwards with them after the battle of Culloden, about six miles beyond Ruthven in Badenoch.

*[Information laid at Inverness—Pleaded guilty ; no judgment pronounced.]*

JOHN MACKENZIE, COMMONLY CALLED LORD MACLEOD.

DONALD MUNRO, No. 1 ; DONALD FRASER, No. 2.—These witnesses were private men in Lord Cromartie's regiment in the rebel army, and marched with the regiment to Perth in November last, at the head of which the prisoner marched with his father. Lord Cromarty was on horseback, with holsters before him. Saw him frequently among the rebels at Perth. From Perth the prisoner marched with the said regiment with a stand of colours to Dunblane, and some of the Camerons marched with them with colours and pipes. The prisoner marched with the regiment to Polmaises by Stirling. This regiment was engaged against the King's forces at Falkirk, and lost a man, prisoner being present with the regiment, but cannot tell whether he had arms or cockade. From Falkirk the prisoner marched with the regiment to Aberdeen and to Inverness, from whence they all went home. In March last the regiment was assembled again, and marched into Sutherland and Caithness, the prisoner along with them. They raised about thirty men, then came back, and most of them were taken prisoners at Dunrobin Castle—Lord Sutherland's house—by Lord Reay's men.

ANDREW ROBINSON, No. 9.—In November last I saw the prisoner and his father come into Perth, on horseback, dressed in highland habits, pistols before them, and white cockades in their bonnets, which town was then governed by Lord Strathallan for the rebels. I saw them go into a room at Hickson's to several other rebel officers there.

ROGER MACDONALD, No. 9.—I saw the prisoner come into Stirling two days before the battle of Falkirk with his father's regiment and join the rebels there. The prisoner was then in arms, with a shoulder belt on, and a side pistol. I saw the prisoner talking there with the Pretender's son ; saw him with the Pretender's son when they reviewed the rebel army at Torwood Moor, near Stirling.

HENRY EDWARDS, No. 21.—In November last, when Lord Strathallan was governor of the town of Perth for the rebels, the Mackenzies under Lord Cromartie came there. A few days after they came I saw the prisoner walking with his father in the streets of Perth, dressed in a highland habit, turned up and collared with green velvet, a broadsword

under his arm, a pistol in his belt, and a white cockade in his bonnet. I frequently saw him with some of the rebel officers in the town of Perth when it was in possession of the rebels.

JOHN HAY, No. 50.—I twice saw the Lord Macleod along with the rebels in the town of Perth, when Lord Strathallan was governor for the rebels during the time the Pretender's son was in England. Lord Cromartie's regiment was at Perth at the same time—Lord Cromartie with it. Lord Macleod at both the above times was dressed in a highland habit, with a white cockade. When Lord Cromartie's regiment was at Inverness on their way from the battle of Falkirk to return to their own country, I saw Lord Macleod at Inverness along with his father and the said regiment.

JOHN GRAHAM, No. 4.—I saw Lord Macleod at Inverness long before the battle of Culloden with the rebels on horseback. Saw Lord Macleod at Castle Downie before said battle, and he came thither to see the Master of Lovat, who happened to be from home at that time. There was a great intimacy between Lord Macleod and the Master of Lovat.

JOHN GRAY, No. 5 and 11.—I was forced into the Earl of Cromartie's service in March last, in which I continued about twenty days. Whilst in said regiment, it was in Sutherland and Caithness, I saw Lord Macleod with his father the Earl of Cromartie, but not in arms, particularly at Thurso in Caithness. He wore a white cockade, as the rest did; and was taken with his father at Dunrobin Castle, into which the prisoner marched at the head of Lord Cromartie's men.

WALTER ROSS.—Upon Saturday night, before the battle of Culloden Lord Macleod came to Lady Swiney's house (where this witness was a servant) in Reisgill in the parish of Latheron, in the shire of Caithness, with a large bag of money, a white cockade in his bonnet, and a pistol by his side, and some officers. The next morning I was forced away from said mistress's house by one Captain Mackenny; carried to Laird of Latheron's house, from thence to the Castle of Dunbeath, and then to Dunrobin, where I was taken prisoner the Tuesday following. When I was carried to Dunrobin Lord Macleod rode before the men that were conducted thither. I believe Captain Mackenny forced me to go with him to Latheron by the directions and orders of Lord Macleod. I have

seen the regiment called Lord Cromartie's regiment march through Caithness before I was forced from Lady Swiney's service, and Lord Macleod at the head of them, but don't remember that Lord Macleod was in arms, or had anything but a highland pistol in his hand. He marched at the head of the men into Dunrobin Castle.

HUGH ROSS.—I saw the prisoner at Perth with Lord Cromartie's regiment in highland clothes, white cockade, and a pistol by his side. Saw him afterwards with the said regiment at Bannockburn, and march at the head of it to the battle of Falkirk. Saw him in the retreat with the regiment to Aberdeen, and at Thurso in Caithness, and he was then called colonel of Lord Cromartie's regiment.

HECTOR CAMPBELL.—I saw prisoner at the head of two or three hundred men of Lord Cromartie's regiment at Thurso in Caithness, dressed in highland clothes, and a silver hilted sword; and when said men marched back to Dunrobin the prisoner marched with them on horseback with pistols before.

GEORGE SINCLAIR, and several others.—These speak fully to the prisoner, but as he has given it under his hand he intends to plead guilty, we have not stated their evidence, and he acknowledged himself to be Lieut.-Col. of his father Lord Cromartie's regiment to Captain Eyre and Lieut. Moore, who examined him at Inverness.

*[Information laid at the town of Perth. Pleaded guilty—no judgment pronounced.]*

ALEXANDER GRANT, BROTHER TO GLENMORISTON.

THOMAS MACKAY.—The prisoner served in the rebel army in Glengarry's regiment, and was in arms with the rebels at Falkirk.

JAMES GRANT.—I saw him under arms with Glengarry's men who were in the rebellion at a place called Leadhill, near the Duke of Queensberry's, between Glasgow and Carlisle, in the retreat of the rebels from England. Also saw him often with the rebel army, and he always marched with Glengarry's men.



DUNCAN GRANT.—I saw him in arms with Glengarry's men at Edinburgh, Perth, Glasgow, and Stirling, and many other places, in highland dress, armed with sword and pistols. I was in same regiment with the prisoner.

Capt. EYRE ; Lieut. MOORE.—Prisoner told them at Inverness he was a private man in Glengarry's regiment.

JOHN URQUHART.—I saw him several times at Edinburgh after the battle of Prestonpans in highland dress, armed with broadsword and pistols.

*[Acquitted by Mr. Attorney's consent as coming in under the Duke's proclamation.]*

RODERICK MACKENZIE.

DONALD MUNRO, No. 1 ; DONALD FRAZER, No. 8 ; Mr. JOHN MACKEY.—These witnesses say that the prisoner marched from the first with Lord Cromartie's regiment to Perth, and was with it at the battle of Falkirk, being constantly with it everywhere else. He marched with said regiment into Caithness to raise men for the Pretender, and returned with it to Dunrobin Castle, where he was taken prisoner with Lord Cromartie.

DUNCAN MACDONALD.—The prisoner was an Ensign in Lord Cromartie's regiment, and mounted guard at Perth before the battle of Falkirk, dressed in highland clothes, a white cockade, and armed with sword and pistols. The prisoner and one Hector Mackenzie, another officer in said regiment, confined the witness one night at Perth on suspicion of his carrying letters from the King's army.

HECTOR CAMPBELL.—I saw prisoner with Cromartie's regiment when it was in Caithness, and often afterwards upon the march from thence to Dunrobin Castle in Sutherland.

Capt. EYRE ; Lieut. MOORE.—Prisoner told these gentlemen he was a Lieutenant in Lord Cromartie's regiment for five months.

Lord Chief Justice WILLS.—Not only necessary that the party have a will to get away, but he must also be at liberty to exert that will. If the force continues and there be no opportunity to desert, till the prisoner be taken, it will excuse. But, if an opportunity and that not taken, the original force will not excuse. Strictly it must be such a force as a man can't resist, and strictly a man ought to suffer death rather than run into a rebellion, but it would be hard to lay that down as a rule in all cases. Circumstances vary cases. All men have not the same degree of courage; fear will work over some more than others.

The Jury are not only to consider of the possibility of a man's escaping, but also the probability. Where doubtful the Jury ought to lean to the favourable side. It was through fear of losing his all, perhaps, that the poor man came to fetch his cattle back again. Every man was retaken that deserted at Falkirk. It might be through fear of being ironed that he made the bargain with Lord Cromartie for that temporary service that has been mentioned.

*[Information laid at town of Perth—Not guilty.]*

ALEXANDER BUCHANAN.

DONALD CHISHOLM.—I first saw the prisoner with the rebels at Inverness the beginning of April last, and often saw the Duke of Perth's regiment marching up and down the streets of Inverness; the prisoner along with it as an officer, dressed in highland clothes, and armed with a broadsword, pistols and target. I often saw that regiment reviewed there before the Duke of Perth's quarters, and at such reviews the prisoner always marched as an officer. Saw him marching at the head of a division of said regiment from Inverness towards Culloden Moor two days before the battle there.

JAMES DRUMMOND.—The latter end of March last, when the rebels were at Inverness, I several times saw prisoner marching along with a party of the Duke of Perth's regiment down to a green near the water side, where they used to exercise. The prisoner marched with them as an officer and was called the captain, and I have several times seen him with the rest of the officers before the said regiment upon said green,

where they exercised, prisoner appearing as an officer, dressed in highland clothes, and armed with sword and target. The day before the battle of Culloden I saw the prisoner standing under arms as an officer in said regiment; which was then drawn out upon Culloden Moor with the rest of the rebel army in lines expecting the Duke of Cumberland.

JAMES PARKER.—Some days after the battle of Falkirk I saw the prisoner with the rebels at Stirling, and he was called a Captain in the Duke of Perth's regiment both by the officers and common men, dressed and armed as aforesaid. Saw him with the officers and a party of the Duke of Perth's regiment that changed the guard there, and it was generally reported among the rebels that the prisoner joined their army about the time of the battle of Falkirk.

ROGER MACDONALD.—Whilst the rebels were at Stirling I first saw the prisoner at Mrs. Young's, a public house there, in company and drinking with some French officers, and witness looked upon him as one who had joined the rebels. Prisoner was dressed in a highland habit, but I cannot recollect whether he carried arms or wore a white cockade.

Capt. EYRE; Lieut. MOORE.—Prisoner gave these gentlemen his name, and rank of a Captain in the Duke of Perth's regiment.

*FOR THE DEFENCE.*

Mr. GORDON.—An object of pity rather than resentment.

JOHN BUCHANAN, 17 years old.—Witness is a servant to his father, who lives in Perthshire. In September, 1745, a summons brought by Duke of Perth's officers and prisoner went, the father not being well. I went with him. Duke of Perth met us—can't say what he said, but prisoner followed and lagged behind, and made signs to me to go back, and so we did. He said the Duke intended to carry him into rebellion, but he hoped he should not be obliged. Next morning I saw him, and for eight days he kept out, and only came of evenings for victuals, whilst he desired us to stand sentry. The father desired he should keep out of the way.

When the rebels left the country he came home. A fortnight after Prestonpans they came back—were surprised by a party two miles off his father's (Kilnahaig), where they were at Lime Quarry, and went into K— to refresh. Captain Drummond commanded the party (30), and said, "Though you deserted before you are now my prisoner." They were armed with sword, dirk and pistols, and some guns. Carried him to the church of Calendar, within a mile of my father's. Father had word sent him and came. They drank, and I was ordered by prisoner to get father's horse ready, and he escaped and went home, and I behind him. The party were in two alehouses. Sent two servants and horses for father; neither drunk or sober. Did not see him till two days after, but the lads said they brought him off that night. Next day an officer and 10 came to his father's and asked his mother for the son. She said "Not at home." He said he had orders from Duke of Perth to burn houses, destroy cattle, and hang these before their own doors. House searched but not found, for father and son were got to a Burnside by coals (*sic*). Absconded three days till rebels left the country.

There came again four days after Xmas 40 with officers at daybreak, and brought out prisoner. Had no notice of them. They were armed, and he could not get from them, being surrounded. Prisoner when at Stirling sent word to father that he would give all to get away, and if he did he would not lye at home for quarter year. Desired a message to be sent that father was dangerous, in order to mollify, and get home. I went the next morning with such a message of his being at point of death. He applied for leave, but could not get it. Said he would try to escape, and did get over ferry, but guard carried us back to guard house. I, not being in highland clothes, was let go. They sent prisoner by boat, and told he was apprehended trying to escape. I went in another boat and overtook him, and he bade me tell his father that he would still escape, if opportunity. Was carried to his old quarters, and pushed in, and they took away his arms. This was about 1st February. Used to wear highland clothes. No burning of house or destroying of cattle. Did not offer to apprehend me. The water was narrow. Believes he all the while intended to desert.

MALCOLM MACLISH.—Summons from Duke of Perth. Prisoner hid himself. Taken at Kilnahaig. Threats to burn, &c., for badness of

example. Spoke to Mr. Cuming, Sen., after Xmas, about carrying off prisoner; three men and a boy.

*[Information laid at Inverness—Not guilty. Tried 15th Nov., 1746.]*

NICHOLAS GLASCOE, OF DILLON'S REGIMENT—FRENCH SERVICE.

ANDREW ROBINSON.—I was servant to the prisoner, who was called Major Glascoe, and who marched with some French soldiers from Dundee to Stirling. The prisoner overtook upon that march the second battalion of Lord Ogilvie's regiment about five miles from Dundee, and marched with them to Stirling. The prisoner wore a short highland waistcoat and white cockade on said march, with pistols before him, and a sword by his side. I saw the prisoner march into Stirling with some French officers in the rebel service the day after the battle of Falkirk. The prisoner was upon the command at Keith the night that a party of the Duke of Kingston's horse was killed and taken.

JAMES PATERSON, No. 13.—I saw prisoner in arms upon the march with the rebel army from Elgin in Murray towards Forres the day after the Light Horse were taken at Keith, dressed in highland clothes, white cockade, broadsword by his side, and a pair of pistols before him. I asked the prisoner "what news"; to which he replied, "Good news, we have taken twenty-nine or thirty of the King's forces at Keith, and this is one (the horse he rode on)," and that he, the prisoner, commanded the party that took them. I also saw him in arms marching with some of the rebels to the battle at Culloden Moor, and saw him there with them when drawn up on horseback, armed with sword and pistols, and a large white cockade.

JAMES ROSS, No. 55.—I saw prisoner three days together at Fochabers with Lord John Drummond, before the battle of Culloden, dressed and armed as aforesaid.

LAWRENCE CLARK, No. 58.—I first knew the prisoner in Dillon's regiment in France about fourteen years ago, and saw him at Fochabers two or three times while a party of the rebels lay there.

ROGER MACDONALD.—I saw prisoner with the rebels at Fochabers whilst General Bland and the King's forces lay at Strathbogie, armed and dressed as aforesaid. Saw him go out of Fochabers to patrol, with some other rebel officers, upon an alarm that the King's forces were coming up, on horseback and armed. Saw him with the rebels at Stirling when they besieged the castle.

THOMAS ARMSTRONG.—I saw the prisoner with the rebels at Stirling after the battle of Falkirk. He was Major of Lord Ogilvie's second battalion, and was dressed in highland habit, &c., marching with the rebels through Perth, Aberdeen, and Fochabers, armed as aforesaid. Also with the rebel army when it was drawn up on Culloden Moor the day before the battle.

ALEXANDER SMITH.—Prisoner was Major of Lord Ogilvie's second battalion, and was with them at Stirling, Montrose, Dundee, Strathbogie, and Fochabers, armed and dressed as aforesaid. I saw him draw up said battalion on the young Pretender's birthday at Fochabers, and ride at their head, and order them to fire three times. He commanded, and they obeyed him as their officer. Saw him give money to a serjeant of said battalion to subsist some of the men.

ROBERT NAIRN.—I saw prisoner with said battalion at Montrose, and on the march from thence to Fochabers, dressed as aforesaid.

WILLIAM FUDD.—Prisoner was with the rebels at Stirling after Falkirk, dressed and armed, &c., also saw him with them from Stirling through Perth, Aberdeen, to Fochabers.

ROBERT MACKEY.—I saw him with the rebel army at Brechin in Angus, dressed, &c. From Brechin he marched with the second battalion of Ogilvie's regiment to Fochabers, Elgin and Nairn.

COLIN THOM.—Prisoner marched with said battalion from Auchterarder to Dunblane, then to Stirling, then to Bannockburn, where they joined the rebel army.

JOHN WILSON.—I saw the prisoner ordering the batteries at Montrose by which the Hazard sloop was taken. Also marching with a party of the rebels who guarded the prisoners taken in said sloop, from Brechin to Arbroath.

JOHN COWIE ; JAMES SCOTT ; WALTER YOUNG ; ROBERT IRONS.—These witnesses testify to prisoner's presence in the rebel army, armed and dressed as aforesaid, at Fochabers, Keith, Montrose, Stirling, Perth, Aberdeen, Meldrum, and Culloden Moor.

ALLAN BOWIE, servant to Harry Patullo.—Witness saw Nicholas Glasgoe draw up Lord Ogilvie's second battalion, place himself at their head, and exercise them at Fochabers on a certain day, when his master, Harry Patullo, commissary-general, mustered said battalion.

JOHN MACDONALD ; ALEX. SHAND ; EDWARD SMITH.—These witnesses, all of Fochabers and confined for suspicion, only declare that Glasgoe commanded the party which attacked the King's troops at Keith. They saw him march his detachment for that service out of Fochabers, and march them back into Fochabers with 75 prisoners and 32 horses. That the detachment were mostly volunteers. They marched out at nightfall and returned from Keith with the prisoners next morning.

Capt. EYRE ; Lieut. MOORE.—Prisoner told these gentlemen that he was Major of Lord Ogilvie's second battalion. He told the former (Capt. Eyre) that he was born in France, and therefore not a subject of the King's, but he also told him that he was born at Dublin in Ireland.

ANDREW JOHNSTON ; JOHN FALCONER.—Testify to prisoner being with the rebels in arms at Derby, Carlisle, Lancaster, Edinburgh, Glasgow, Fochabers, Elgin, Inverness, and at battles of Falkirk and Culloden.

FRANCIS CHALMERS ; EDWARD GIBSON ; DAVID BELL ; THOMAS HENDERSON.—All these testify to prisoner being armed and dressed as aforesaid at Stirling, Fochabers, Inverness, and Culloden.

*Note.*—Prisoner was formerly a Lieutenant in Dillon's regiment in French service, but in the rebellion he acted as Major to Lord Ogilvie's second battalion.

*FOR THE DEFENCE.*

Mr. JODDRELL.—I agree the facts are treason if committed by a subject ; but he was a French officer, a native of France, and came over

with Lord John Drummond in a French regiment, so owned no local allegiance. When young, could only speak French, and learnt *Irish sort of English* to enable him to be in the Irish regiment in French service. Born at St. Germain on . . . . . At York, proved could only speak French, and therefore acquitted. Birth not shewn here and it turns the proof on the Crown. The French officers were ordered to discipline the rebels; and prisoner as above, being in Militia, declined it, but reprimanded, and ordered to do it. But if (he was) barely born here, and ever since in France and done no act of allegiance, he can't be a rebel. It is certainly so in all other countries. . . . . carries it much too far. Our King is King of France, but don't protect these subjects. Prisoner is of licence to serve French King. Is it not a defence? Cartel of Frankfort is a licence. Should not be very strict in requiring proof as we are at war with France, and our law differs from the laws of all other countries.

JOHN O'NEILL.—I knew him (prisoner) in 1725, in Flanders, a cadet in Dillon's, in French service: was then about 10 years old. Spoke natural French and broken English, but not like Irish. Was his bedfellow seven years at Valenciennes. I, coming from Ireland and not speaking French, was recommended to his father, a Captain in same regiment, named Christian Glascoe. He lived chiefly at Paris, and had been from Ireland ever since the wars in Ireland. I was to help him to learn English, he spoke French as a native. Heard call them father and son. Saw the father in 1729 at Valairlxdon, and he said prisoner was born at St. Germain, and was 10 years old when he came into the service.

[Certificate of the Minister of St Germain offered, but it appearing to be founded on a register, and no copy sent or oath offered, it was rejected.]

MR. ATTORNEY GENERAL.—He was offered to have passports for witnesses if he made an affidavit.

PRISONER.—Could not do it in honour, it being a submission.

DAVID CARNY.—I knew his father who resided at Paris. Prisoner spoke French naturally. Reported son of Christian who came over from Limerick. I knew him in 1729, in garrison at Strasburgh. In Dillon's regiment they must learn English. He was then a young lad. Heard



he was born at St. Germain's, and called *Enfant de St. Germain's* in 1729, which is child of St. Germain's.

Captain MACDERMOT.—I knew him from 1732. Embarked at Dunkirk, 13th November, 1745, under command of Lord J. Drummond in French service. Landed in Scotland. He was ordered by Stapleton to discipline Lord Ogilvie's second battalion. He declined it, and was threatened to be sent back and tried by a council of war, and ordered to do it in name of most Christian King. Always considered he was still under French commission, and believes he had no other. Many French officers got highland clothes as a protection against the highlanders who joined us. Usual for the officers of that regiment to call themselves Irishmen, though not born there. He was called Major before.

Capt. JOHN BURK.—I knew him five years as Lieutenant in Dillon's. Forced to discipline the Militia. I wore highland habit to avoid danger in travelling in red clothes. He was reported and received pay as a French officer. He was called a St. Germain's' bird, an expression imputing his birth there. I always called him townsman, I being born there. The father was agent as well as Captain, and therefore stayed at Paris. His mother bore a French name, and two years ago heard the father say he was born at St. Germain's. If I was asked I should own myself an Irishman for the glory of it, and would never own myself a Frenchman.

Capt. DELEHIDE.—37 years officer in Duke of Berwick's regiment. Prisoner was ten years abroad with his regiment in Germany. He was threatened into disciplining the Militia.

Capt. GARRY.—In a French regiment, officers wore highland clothes. He was called a Garcon Major. Always considered him as acting under French commission, and had no other. In 1727, he was in Arras with his father. Heard the father say prisoner was born in St. Germain's. Spoke French naturally. We claim it as an honour to have Irish blood in our veins. I was born in France, yet, call myself an Irishman.

PRISONER.—I owned myself an Irishman to be better used by Eyre, who is an Irishman.

Chief Justice WILLS.—The evidence is too strong, and he must be acquitted, for he owns no natural allegiance, or local, for he came over as an enemy, and never put himself under our King's protection.

The Court ordered his irons off, and that he should not be discharged, but kept as a prisoner of war.

*[Information laid at Fochabers in Moray—Not guilty.]*

ROBERT FORBES.

JOHN VERE ; SAMUEL MADDOCK.—These witnesses were in Carlisle when the town was besieged by the Duke of Cumberland, and say the defendant was a Captain in the rebel service, and was in garrison in Carlisle, armed with a sword and a brace of pistols. He did duty in the town as an officer in its defence against the Duke.

C. THOMAS CHALMERS, No. 31 ; C. ALEX. FORBES, No. 47 ; C. JOHN FRAZER, No. 48 ; C. JOHN OGILVY, No. 89 ; C. JOHN URQUHART, No. 105 ; C. JOHN CONNOR, No. 36 ; Lin. WM. WILLS, No. 110.—Declare they were left in garrison in the castle of Carlisle by the rebels when the rebel army marched from thence to Scotland, and say defendant was one of the rebel officers left in garrison there ; was called a Captain, and did duty as such in defence of the town and castle against the King's forces when the Duke besieged it.

Lin. ALEX. IRVINE, No. 125.—I was left in garrison in Carlisle by the rebels when they marched into England, and saw defendant, one of the officers left there, walking about the castle and ramparts, observing that the sentinels did their duty.

Y. HUGH MACDUGALL, No. 60.—I was kept in Carlisle whilst the rebel army were in England, during which time I saw defendant mount guard, and do duty in the castle of Carlisle as one of the officers left in garrison there.

JOHN DAVISON.—I saw prisoner upon duty in Carlisle, and saw him march at the head of a party of the rebels towards the English gate,

with pipes playing before them, with a sword by his side, and a fuzee in his hand. I frequently saw him at the castle yard with other rebel officers, and generally with a sword by his side, and a pistol stuck in his belt.

CHAS. HENDRY.—The prisoner was one of the rebel officers in garrison in Carlisle, and commanded the guard to be drawn out upon an alarm that the King's forces were coming to attack the town. He was then armed with a pistol.

*FOR THE DEFENCE.*

Mr. JODDRELL.—All the evidence confined to Carlisle. He is a farmer of the Duke of Gordon's. Forced out and confined by Glenbucket, and made several attempts to escape—put on woman's clothes—drank the Duke's health and success to his arms.

Mr. GORDON.—He could only escape by Firth of Forth and Stirling Bridge, both of which guarded.

1. GEORGE WYATT.—Lives a mile and half from Strathbogie. Sent Cope hay into Banff, and two of his men into the King's service. A maidservant came to me to assist her master, seized by the rebels. Saw 20 with drawn swords. He offered money and all he had to let him go. He struck one of 'em—put him on horseback, with bridle and saddle, and carried him to Strathbogie. Took him from mother and sister. One shot for deserting. Eight days after . . . fair.

2. ALEX. GILL.—I was sent to give notice to gentlemen to keep out of the way of the rebels returning to take them. Saw him fetched in sleep, dragged out bareheaded and coat torn. They charged him as villian for serving Cope, and giving him two men.

3. ROBERT GRAY.—Same as above—kept at Dundee by force.

4. GEORGE KAY.—Saw him at Leith try to get boat to escape.

5. ANNE GRAHAM.—He drank the Duke's health with Dr. Douglas and cursed the Pretender. Helped to dress him in women's clothes to escape, and he had ropes, but stopped by sentinels.

6. JANE SIMPSON.—Helped him to my mother's clothes. Stopped by sentry. Had ropes under arms.

7. Capt. EYRE.—Prisoner helped the surrender.

*[Acquitted by Mr. Attorney's consent.]*

JAMES GORDON.

JOHN VERE ; SAMUEL MADDOCK.—These witnesses were in Carlisle when it was besieged by the Duke, and say defendant was an officer in the rebel service, and belonged to the Artillery, and did duty as such, armed with a sword and pistols during the said siege.

ARCH. LAUDER, No. 131.—Witness was left in garrison in Carlisle when the rebels marched from thence into Scotland, and saw the cannon fired from the castle upon the Duke's army. I saw the defendant, who was a Lieutenant in rebel service, belonging to the Artillery, upon the ramparts in the castle, assist in levelling the cannon upon the Duke's army.

C. JOHN OGILVY, No. 89 ; C. JOHN FRAZER, No. 48 ; La. WILLIAM MAGGEE, No. 7 ; Y. HUGH MCDUGALL, No. 60 ; CHARLES HENDRY.—These were left in garrison by the rebels when they marched into England, and stayed there until the town surrendered to the Duke. Prisoner, a Lieutenant in Pretender's service, was left in garrison, and did duty as an officer in defence of the place.

*[Guilty, but reprieved.]*

JAMES RATTRAY.

ANDREW ROBINSON, No. 9.—Prisoner marched with the second battalion of Lord Ogilvy's regiment from Dundee to Stirling, and he wore a white cockade and sword and pistols in said march, and rode mostly on horseback.

ALEX. SMITH.—I saw prisoner with said regiment at Fochabers, Elgin, Cullen and Aboyne, armed with sword and pistols and white cockade.

JOHN BRUCE.—Prisoner was officer in said battalion after battle of Prestonpans. Commanded a party of the rebels who escorted some cannon from Brechin in Angus towards Perth, and was then armed with sword and pistols.

WM. TODD.—I saw prisoner with a party of rebels at Forfar, having some cannon going to Perth, dressed in highland clothes, and a sword by his side. Saw him afterwards with the rebels at Fochabers, armed and dressed as aforesaid, and appeared to be an officer.

JAMES MORTIMER.—Prisoner was an officer in said regiment, and marched with it to Dundee, Brechin, Aberdeen, Old Meldrum, Fochabers and Elgin, dressed in highland clothes, and armed with sword and pistols.

JAMES SCOTT.—I saw prisoner with said regiment at Elgin, and at Speyside in the shire of Murray, dressed and armed as aforesaid.

WALTER YOUNG.—I saw prisoner with said regiment from Montrose to Stirling, from thence through Perth, Aberdeen, Old Meldrum and Fochabers, dressed and armed as aforesaid.

JOHN ADAM.—I saw him with the rebels upon retreat from Stirling at Brechin on march towards Inverness, &c. (as above).

Capt. EYRE; Lieut. MOORE.—Prisoner gave his name to these gentlemen after the battle of Cullogden, and said he was a volunteer in Lord Ogilvie's regiment in the rebel army.

ANDREW JOHNSTON.—Prisoner was a volunteer in Lord Ogilvie's regiment in the rebel army, and was with them when they took Carlisle and at Derby. I saw him with them at Perth, Fochabers, and at the battles of Falkirk and Culloden, armed, &c., as aforesaid.

JOHN FALCONER.—I saw him with the rebels at Edinburgh, and he was then in the Pretender's Life Guards, and armed with broadsword and pistols.

FRANCIS CHALMERS.—I saw prisoner in Lord Ogilvie's regiment when the rebels took Carlisle and several times upon the march in England, and at Fochabers and Elgin, armed and dressed as aforesaid.

*FOR THE DEFENCE.*

Mr. JODDRELL.—Rely on original and continual force. The Marquis of Tullibardine forced all the tenants of Athole prisoners. Advised many to keep out of the rebellion. This produced a resenting letter threatening military execution. He drove his cattle into the mountains and hid with them. Got violent cold; found out. Deserted in England, and at home at battle of Falkirk. Continued to dissuade; seized again by party sent in the night. He concealed himself in the ceiling, but found out, and carried away prisoner as a deserter. At Elgin he attempted to escape. Deserted before the battle of Culloden, and was 100 miles off. Lived at home until seized by the Duke's Hussars.

Mr. GORDON.—Dissuading others—confirms the force on himself.

1. Mr. BRODIE.—Servant to his father 20 years. Could influence 300 men to go into the rebellion. He and I went to tenants and neighbouring gentlemen to desire them not to join the rebels, latter end of September. In harvest field he received a letter from the Marquis threatening fire. Advised sending cattle away. Sent them and went into the mountains. Stayed eight days. Vomited blood and came home sick. When Tullibardine heard it he sent 50 armed men. Wounded, tied and dragged him, and carried him towards Blair. Sent after him by his wife with clean clothes to Dunkeld. Would not let me speak to him. Saw him again the Monday before Falkirk battle at his house, and he said he deserted and came home on his own feet. Fresh orders came from Tullibardine to raise men, and prisoner sent about to hinder it.

February 1st seized again, being hid in ceiling. Took his gardener first for him, and gardener's wife pointed to the ceiling to save her husband. Was carried away as a deserter. He had no arms when he came home. Carried him surrounded to Kerrymuir on the way to Brechin, whither I followed him, but could have no access at first, but at last met with one who brought me to him, and he ordered me to go home and tell his wife he would come back as soon as he could get released.

His father then at home, but old, and they did not ask for him. They found father in the field, and asked for the son. He would not tell them, and they used him badly—pushed him about and called him an old man

—threw him down, but he kept his feet. They left him and came towards the house, and met me within quarter of a mile from the house, upwards of 50 yards from the father. They talked Erse, and I did not understand them. I went from the father a shorter way to the house to tell a party was coming, and then went again towards the field. Letter read. Donald Macdonald, George Leith, John Masterton, May Taylor, Margt. Chalmers, Agnes Mitchel, present, 28th September, at sunrising. Three days after came another letter, addressed to him in the field, 10th October. Carried off.

2. ROWLAND DRUMOND.—It was Marquis's hand, dated 29th Sept<sup>r</sup>, 1745, directed to James Rattray, Esq. "Notwithstanding the several messages you have had, and nothing done, I command you to appear, else military execution."

3. JOHN BLACK.—I heard him read the letters, and he told all to abscond and send away cattle. He went to the woods next morning, stayed six or seven days, and came home sick.

10th October 40 [men] came—took off my shoes—went into his house and brought him out with hands tied, and carried him away towards Dunkeld, where Tullibardine was. Did not see him again till Monday before Falkirk. He came home, tired, on foot. Wrote letters to neighbouring gentlemen. I carried one to James Rattray of Tuig (?) who read it to me, and he said he was obliged to prisoner for it. Saw him carried away the second time. Saw him at home at noon, 17th April, 80 miles from Culloden, and he stayed at home till the Hussars took him in beginning of May. Did not see Brodie. Must not go by my house from the field to the prisoner's house.

4. JAMES HOWY.—Had letters in September, and desired tenants to keep themselves and cattle out of the way. He went to hide next morning. Carried off 10th October, market day. Met him on the road, bound, with 50 highlanders, armed. Saw him at home Monday before Falkirk, and he sent letters about to keep back men from joining the rebels. He could have carried in 400 men, being so beloved: none went. Seized a second time. I carried his linen, and by help of an acquaintance delivered it. He bid me tell his wife he would escape as soon as he could. Returned again and stayed at home until taken 1st May.

5. JAMES HABORN.—I saw him at Strathbogie weekly market latter end of February last, but in prison. He asked why, and he said it was for deserting from the Athol men. Strathbogie is 60 miles from prisoner's house.

6. JOHN STUART.—I live three miles from Strathbogie. I saw him tied last day of February. Offered first drink to see him. They said he was a deserter, and they would take more care of him. Saw him at Elgin in April, but not so close a prisoner. He asked me to help him to escape. I undertook it, and 11th and 12th April I went with him to the castle of Brumor (*sic*), where I left him—five days going.

*[Information laid at Elgin, Moray—Not guilty.]*

COLIN MACKENZIE.

DONALD MUNRO, No. 1 ; DONALD FRAZER, No. 8.—These witnesses say that upon return of Lord Cromartie's regiment from Caithness to Dunrobin Castle they saw prisoner with said regiment, in which he was an officer. Prisoner was not in it fourteen days before he was taken at Dunrobin.

HUGH ROSS.—I saw prisoner, who was Captain in Lord Cromartie's regiment in the rebel army, along with said regiment at Thurso in Caithness, where they went to raise men for the Pretender, dressed in highland clothes, a white cockade, and armed with broadsword and pistols. I saw him march on foot with said regiment from Thurso to Dunrobin Castle.

HECTOR CAMPBELL.—I saw prisoner at Thurso, and upon the march to Dunrobin with said regiment.

GEO. SINCLAIR.—Testifies to the very same effect as against Hector Mackenzie, save that prisoner Colin declared that he did not join the party till after battle of Falkirk. He was a Captain in Lord Cromartie's regiment.

Capt. EYRE ; Lieut. MOORE.—Prisoner told these gentlemen he was a Captain in Lord Cromartie's regiment.



*CROSS-EXAMINATION OF WITNESSES.*

1. HECTOR CAMPBELL.—Rebels in possession of the ferries—not easy to have got into Ross-shire. Lord Sutherland's Militia up, and thinks might have been secure if gone to them. But we did not know it, until taken by surprise. Lord Reay's men in arms, but not known.

2. HUGH ROSS.—Prisoner was in Caithness. Stayed a night at a minister's house. Three of us had bread and cheese. No guard on him—two or three rebels stayed at same parson's house. He lives near Lochbroom, and was not in the regiment at Falkirk. Lord Cromartie's men were against rebelling. Barrisdale's men conducted them to Sutherland. He apprehends it was to protect them against Lord Loudoun's men. Could not get into Ross-shire. The march after Barrisdale's men left us was 50 highland miles back and forward. Lord Sutherland and Lord Reay's men were known to be up all the while we were in Caithness. I was taken three miles off from Dunrobin.

3. DONALD MUNRO.—Force used by Keppoch and Ardlow. The Macdonalds kept the passes while we were in Caithness to prevent our desertion.

4. DONALD FRAZER.—I saw him in Caithness in Cromartie's company, and marching in middle of common men to Dunrobin Castle.

*FOR THE DEFENCE.*

Mr. JODDRELL.—Defendant 18 years old. No evidence till after Falkirk. Forced in just before the march to Caithness. The law does not require proof of continuing force. It only extends to those who prove personal original force, and it must be fear of death, but that depends on circumstances. In October prisoner took up arms to oppose Barrisdale.

1. JAMES ROBINSON.—He was well behaved to the Estate of Sutherland. Letters in October to meet together from Lord Cromartie. They consulted me, and we were of opinion to make no return to it, for

fear of provoking enemies. We were in suspense about Lord Cromartie. Prisoner went with 50 others to oppose Barrisdale, and drove him away. Beginning of November Lord Cromartie's son came in a soft way to induce them to join, and insinuated that their opposition to Barrisdale would be their destruction. I advised him against it. All concluded to return fair words, and sent prisoner for four days to conduct Lord Macleod. He returned in four days, and had conducted him over the hills. Our parish continued quiet till 14th March (the prisoner being at home all the while and determined to oppose the rebellion), then orders came to raise my parish of the name of Mackenzie, threatening military execution. About 60 men full armed came with these orders. Prisoner and others skulked to a retired place eight miles off, and I heard he was taken going to a hiding place of his brother's. I was imprisoned on suspicion of having letters, and was carried to their quarters and saw him prisoner, guarded by four men. They said they would make him smart for deserting Lord Macleod. Next day the party came for victuals to the town, and gave him leave to *hark* a word to me, and he whispered that he would desert if he could. We sent a scout to find out a place to advertise them how to get back.

2. JOHN MACRAE.—He helped to oppose Barrisdale in October. In March the rebels heard of message from prisoner's brother to him, and so he was seized, and I saw him prisoner next morning with 50 armed men. His mother could not get access at first, but did after, and begged him to be left as a youth, and offered half she had, but they said he was saucy to their captain and should go. I was employed to find a pass for them to get home if they could escape. I put on a cockade and pretended to be a rebel, and so passed. Saw him at Tain 10 days after, and could not get him away. They said he was a stubborn beast. He was a prisoner, but I got liberty to speak privately to him. He said he was strictly guarded, and was to go over Dornoch Firth next day, and then he could not have any hopes. Always wore highland clothes.

Mr. ATTORNEY GENERAL.—Being only a short time in their company I give it up.

*[Information laid at Dornoch in shire of Sutherland—Not guilty.]*

## WALTER OGILVY.

Y. JOHN ALLAN, No. 2.—Defendant was an Ensign in the Duke of Perth's regiment in the rebel army, and marched with them to Carlisle. I saw him with part of the Duke of Perth's regiment in the trenches, before Carlisle, when the rebels besieged and took it, armed with sword and pistols. The defendant continued in Carlisle, and did duty as an officer in defence of the place against the King's forces, armed as aforesaid, when it was besieged by the Duke.

SAMUEL MADDÖCK.—The defendant was one of the rebel officers in garrison in Carlisle when it was besieged by the Duke, during which time I frequently saw him mount guard in the guard room in the castle, at the head of parties of the rebels, armed with broadsword, dirk, blue bonnet, and white cockade.

JOHN VERE.—I frequently saw defendant mount guard as an officer in Carlisle, armed with firelock, a brace of pistols, and a broadsword, between 20th and 30th December last, when it surrendered to the Duke.

C. JOHN CONNOR, No. 36; Lin. ALEX. IRVINE, No. 125; C. ALEX. REACH, No. 91.—These witnesses testify to defendant's presence in Carlisle as a rebel officer.

C. JOHN FRAZER, No. 48; C. JOHN OGILVY, No. 89; La. WM. MAGGEE, No. 7; Lin. WM. WILLS, No. 110; Lin. ARCH. LAUDER, No. 131.—These witnesses say defendant was an Ensign in the Duke of Perth's regiment, and marched with it from Dalkeith to Carlisle, armed with sword and pistols. He was one of the rebel officers left in garrison in Carlisle when the rebel army marched back from thence to Scotland, and he appeared, acted and did duty as an officer in defence of the place when it was besieged by the Duke.

ALLAN STEWART.—I saw prisoner amongst the rebels at Edinburgh a few days after the battle of Prestonpans, armed with a small sword. Saw him afterwards with the rebels at Carlisle, armed as aforesaid.

WM. MCGHIE.—I saw the prisoner at Edinburgh, armed with sword and pistols. Saw him upon the march carry the colours of the Duke of Perth's regiment towards Carlisle, and frequently in that place draw up the rebel soldiers.

*[Withdrew his plea and pleaded guilty. Executed 22nd August, 1746.]*

## JAMES NICHOLSON.

CHAS. CAMPBELL, Esq.—I saw defendant among the rebels in Edinburgh before the rebel army marched to England, and he was then dressed in highland habit, and armed with sword and pistols.

SAM. MADDOCK.—Defendant was a Lieutenant in Captain Gad's company in the Duke of Perth's regiment, and witness frequently saw him mount guard at the English and Irish ports in Carlisle at the head of parties of Captain Gad's company, when the town was besieged by the King's forces. He wore the highland habit, blue bonnet, and white cockade, and was armed with broadsword, dirk, and side pistol. After the town surrendered to the Duke he endeavoured to make his escape, but was taken by the Duke's army.

JOHN VERE.—When Carlisle was besieged by the Duke I saw defendant, who was an officer in the rebel army, with firelock, pistols and broadsword, mount guard in Carlisle between the 20th and 30th of December last.

JOHN FRAZER.—Testifies as above, and says defendant was a Lieut. in the Duke of Perth's regiment, and marched with it from Dalkeith to Carlisle, armed as aforesaid.

JOHN WHITE, No. 109.—Defendant was at the head of his company when the Pretender was proclaimed there.

C. JOHN URQUHART, No. 105; C. DONALD STEWART, No. 103; LA. WILLIAM MAGGEE, No. 7.—These witnesses testify to defendant's presence as a rebel officer, armed as aforesaid, at Carlisle, when it was besieged by the Duke.

ROGER MACDONALD; THOMAS DRAKE; JOHN DAVISON.—These witnesses saw prisoner on the march with the rebels, and at Derby and Carlisle.

WM. MACGHIE.—The prisoner was with the rebels at Edinburgh, and at their camp at Duddington, upon the march of Duke of Perth's regiment to Carlisle, armed with sword and pistols. Frequently saw him upon duty in castle of Carlisle; draw up the rebel soldiers there.

*[Withdrew his plea and pleaded guilty. Executed 22nd August, 1746.]*

## DONALD MACDONALD.

JOHN VERE.—I was left in Carlisle when the rebels marched to Scotland. I saw defendant armed with firelock, pistols, and broadsword, mount guard in Carlisle as an officer in rebel army, between 20th and 30th of December last, when the town was besieged and surrendered to the Duke of Cumberland.

CHAS. CAMPBELL, Esq.—I saw prisoner with the rebels at Edinburgh before they marched into England, and he then appeared to be one of them, and he was then dressed in a highland habit, and was armed with broadsword and pistols.

La. WM. MAGGEE, No. 7; C. JOHN CONNOR, No. 36.—These witnesses were left in Carlisle by the rebels after they had taken it, and when they marched further into England, the defendant was one of the officers left in garrison there to keep possession thereof for the rebels. Defendant did stay in garrison there during all the time the rebel army was in England.

La. DAN. MCFARLAN, No. 15.—This witness by interpreter says as above, and further that he heard the defendant give directions to the private men left in garrison there to be ready to mount guard, and that the prisoner continued in garrison among the other rebel officers when the same was besieged and taken by the Duke.

Y. HUGH MCDUGALL, No. 60; C. ALEX. REACH, No. 91; C. JOHN URQUHART, No. 105.—Testify to the same effect as foregoing.

C. THOMAS CHALMERS, No. 31; C. JOHN DONALDSON, No. 42; C. ALEX. FORBES, No. 47; C. JOHN FRAZER, No. 48; C. JOHN OGILVY, No. 89.—These witnesses were left in garrison in Carlisle when the rebels marched to Scotland, and defendant was one of the officers left there, and did duty as such in defence of the place against the King's forces.

C. DONALD STEWART, No. 103; Lan. ISABELL CAMPBELL, No. 72; Lin. WM. WILLS, No. 110; Lin. ALEX. IRVINE, No. 125; Lin. ARCH. LAUDER, No. 131; Y. JOHN ALLAN, No. 2.—These witnesses declare as above.

JOHN DAVISON.—Often saw prisoner among the rebels at Carlisle, but does not remember seeing him armed, or upon any duty.

Capt. CRAIG.—Upon the surrender of the castle to the Duke, prisoner's commission of Captain was taken from him by witness, and it is under the hand and seal of Charles P. R.

*[Withdrew his plea and pleaded guilty. Executed 22nd August, 1746.]*

## CHRISTOPHER TAYLOR.

SAMUEL MADDOCK.—The defendant joined the rebel army at Stockport, near Manchester, and there he enlisted in the Manchester regiment as an Ensign in the Pretender's service. He marched from thence to Derby and back again to Carlisle on foot, armed with broadsword, blunderbuss and pistol, with white cockade in his hat. He frequently mounted guard at the head of parties of the Manchester regiment at the Town Hall in Carlisle during the siege thereof by the Duke, armed as aforesaid.

C. AUSTEN COLEMAN, No. 34.—I was enticed into the rebel service at Manchester, and went with them to Derby and back to Carlisle. When the rebels marched from Carlisle to Scotland the Manchester regiment was drawn up in the castle yard before the officers of the regiment, and I then saw the defendant, who was called an Ensign in that regiment, and appeared as such, present on that occasion, with a sword by his side, a plaid sash on, and white cockade in his hat.

*[Withdrew his plea and pleaded guilty, and was reprieved.]*

## WILLIAM BRITTOUGH ALIAS BRITTER.

BENJAMIN BOWKER.—When the vanguard of the rebels came to Manchester, I saw defendant along with them at the "Bull Head Inn," with a white cockade in his hat, and I believe he had then taken on with them.

THOS. CRAGG.—I saw defendant with the rebels at Preston, in the retreat, with a white cockade in his hat, and afterwards at the head of the Manchester regiment as an officer when it was drawn up on Penrith Moor, with a white cockade, plaid sash, and armed with a gun. I afterwards saw him upon guard in Carlisle, when it was besieged by the Duke, and march at the head of an armed party to the guard house.

Capt. KNEVIT; Capt. CRAIG.—These gentlemen and others, upon the surrender of Carlisle, were ordered by his Royal Highness to view and mark the rebel officers who defended the town, which they did, and know the prisoner to be one of them.

SAM. MADDOCK.—I was an officer in the Manchester regiment, and defendant enlisted with the rebels at Manchester as an officer (Ensign) in the Manchester regiment, and marched with it from there to Derby and back to Carlisle, armed with sword and pistols. The defendant frequently mounted guard in Carlisle at the Town Hall at the head of a party of the Manchester regiment, armed as aforesaid, with a white cockade in his hat.

JOHN COLLENS (aged 13, examined by permission of C. J. Lee, Wright and Reynolds).—I frequently saw the defendant amongst the rebels at Manchester, with a white cockade in his hat, also upon the march with the rebels between Manchester and Penrith, armed as aforesaid, with a white cockade in his hat.

C. ORMSBY MCCORMACK.—I was taken from Manchester and made to carry a spade, and assist to mend the roads for the rebels' artillery to Derby, and back to Preston, where I was prevailed upon to list in the Manchester regiment. Then I marched with them to Carlisle. The defendant was an Ensign in said regiment, armed as aforesaid; carried the colours upon the march with the rebel army from Preston to Carlisle. When the rebel army marched from Carlisle to Scotland, the Manchester regiment was drawn up in the castle, where arms were distributed to them. The defendant was then present at the head of the men as an officer; had a plaid sash on and a white cockade.

*[Found guilty. Had sentence reprieved.]*

## CHARLES KINLOCH.

ANDREW ROBINSON, No. 9.—I saw the prisoner Charles Kinloch at Dundee, whilst the rebels were in possession of that town. He marched along with the second battalion of Lord Ogilvie's regiment from Dundee to Stirling, wearing a highland habit, a white cockade, and sword. Sometimes the prisoner rode, and if he had not pistols before him, he had them at his side. From Stirling the rebel army marched towards Inverness, part through the highlands, and part by Brechin to Perth, from thence to Aberdeen and Fochabers. The prisoner marched with that part of the rebel army which passed the latter way. In said marches the drums were beating, pipes playing, and colours displayed. The prisoner marched from Aberdeen with the second battalion of Lord Ogilvie's regiment to Fochabers. The night before the battle of Culloden witness saw the prisoner marching up to Inverness with said battalion. Upon Tuesday, the 15th of last April, he saw the whole rebel army drawn up in order of battle on Culloden Moor expecting the Duke of Cumberland. He saw the prisoner at that time drawn up in arms with said rebel army.

THOS. ARMSTRONG.—I saw prisoner at Stirling with the rebels. He was Captain of the Grenadiers in second battalion of Lord Ogilvie's regiment, and was armed with sword and pistols, and wore a white cockade. I saw him with them at Aberdeen, at Speyside, and at Fochabers, armed and dressed as aforesaid. He gave witness is. at Brechin on the march.

ALEX. SMITH.—This witness proves the prisoner to be an officer, armed and dressed as aforesaid, with the rebels at Stirling.

CHARLES MATHER.—Proves as above, and that prisoner was with the rebels at Stirling, Aberdeen, and at the barracks over against Fochabers, armed, &c., as aforesaid.

JOHN BRUCE.—I saw him march into Brechin at the head of his men in highland clothes, with sword and pistols.

ROBERT NAIRN.—I saw prisoner with the rebels at Montrose, Fochabers, and Culloden Moor, before the battle there, dressed in highland dress, and armed with broadsword and pistols.



WILLIAM TODD.—This witness proves prisoner to have been with the rebels at Stirling, Aberdeen, and Fochabers, always in highland dress, armed with a broadsword. He was called a Captain.

ROBERT MACKEY.—I saw prisoner march with the rebels from Brechin to Fochabers and Elgin, Nairn, as an officer in second battalion [Lord Ogilvie's regiment], dressed and armed as aforesaid.

JOHN WILSON.—I saw him march north with his men after the battle of Falkirk, from Coupar in Angus, dressed in short highland clothes.

JAMES MORTIMER.—I saw the prisoner with the rebels at Aberdeen, Old Meldrum, Fochabers and Elgin, dressed in highland clothes, armed as aforesaid, and called a Captain.

WALTER YOUNG.—I saw prisoner at Stirling, Aberdeen, Fochabers, and Elgin, and he was called Captain in said battalion, was dressed in highland dress, with white cockade, and armed as aforesaid.

ROBERT IRONS.—This witness proves prisoner to be in said command, armed, &c., as aforesaid, at Montrose, Aberdeen, and Speyside.

Capt. EYRE ; Lieut. MOORE.—These gentlemen were appointed by his Royal Highness to take an account of the rebel prisoners at Inverness who were taken at the battle of Culloden, and the prisoner told these gentlemen he was a Captain in Lord Ogilvie's regiment in the rebel army.

ANDREW JOHNSTON.—The prisoner was Captain in said regiment, and with them at Carlisle, and all the way in England. At the battle of Falkirk—Elgin, Inverness, and Culloden Moor, armed as aforesaid.

JOHN WILLIAMSON.—Prisoner marched with the rebels from Dundee through Perth to Edinburgh, where he believed he turned back.

*[Information laid at Fochabers in Shire of Moray. Guilty. To be transported, with choice of place of residence.]*

CHARLES DEACON.

SAM. MADDOCK.—When the rebels came to Manchester the defendant put on a small sword, a laced hat with white cockade, and enlisted in the

Manchester regiment as Ensign. He marched with the rebel army to Derby and back to Carlisle on horseback, with a brace of pistols, a sword and white cockade. I saw him mount guard at the head of parties of the Manchester regiment in Carlisle, and do duty there as an officer when the town was besieged by the Duke.

AUSTEN COLEMAN, No. 34.—When the rebels marched from Carlisle into Scotland the Manchester regiment was drawn up in the castle yard before the officers, and defendant was then present as an officer, and was then called an Ensign, and had a sword by his side, a plaid sash on, and white cockade.

THOMAS CRAGG, No. 88.—The defendant marched with the rebel army from Preston to Carlisle, and was present at the head of the regiment in the castle of Carlisle when it was drawn up there. I saw him marching to the guard room in Carlisle at the head of parties of said regiment, who were armed with guns, when it was besieged by the Duke.

THOS. BRADBURY.—I saw the prisoner among the rebels at Manchester, armed with a small sword, and wearing a white cockade.

JOHN COLLINS.—Prisoner was seen upon the march with the rebel army by witness, from Manchester as far as Penrith.

*[Found guilty. Had sentence reprieved.]*

JAMES WILDING.

SAM. MADDOCK.—The defendant joined the rebels at Manchester, and enlisted there as an Ensign in the Manchester regiment, with which he marched on foot to Macclesfield, at which place his father came and brought him a horse, laced hat, sword and brace of pistols; and got him made a Lieutenant of the Pioneers. He acted as such upon the march from Macclesfield to Derby, and back again to Carlisle, armed with a brace of pistols and small sword. He had a laced hat and white cockade. When they came to Carlisle the Pioneers were broke and incorporated in the Manchester regiment. The defendant was made an Ensign in said

regiment, and did duty as such. Saw him frequently mount guard at the English port in Carlisle during the siege thereof by the Duke, armed as aforesaid, with a white cockade in his hat.

JOHN COLLINS.—I saw prisoner with the rebels at Manchester on their retreat, armed as aforesaid. Also upon the march to Penrith on horseback.

THOMAS CRAGG, No. 88.—I saw the defendant upon the march with the rebel army to Carlisle. Saw defendant marching to the guard room there when the King's forces were besieging it at the head of parties of the Manchester regiment.

*[Found guilty. Had sentence reprieved.]*

JOHN SANDERSON.

SAM. MADDOCK.—When the rebels came to Manchester I heard the defendant say he joined the rebels at or near Edinburgh. The defendant was made a Captain in the Manchester regiment, and marched with it from Manchester to Derby and back to Carlisle—sometimes on horseback, at other times on foot, to keep the men together, and acted as a Captain in said regiment upon the march, armed with a broadsword and brace of pistols. He wore a white cockade and laced coat, which he said had lain by him since the last rebellion, and never put it on him till this occasion. He frequently mounted guard at the head of parties of the Manchester regiment at the Town Hall in Carlisle, and acted as an rebel officer in defence of the place when the town was besieged by the Duke, and when the capitulation was making he declared he would go up to the mouth of a cannon to serve the Pretender, and would rather be shot through the head than be at the mercy of the Elector of Hanover.

JOHN COLLENS.—I saw the defendant with the rebel army at Manchester, armed with a brace of pistols, and frequently upon the march with said army at Manchester and Penrith, sometimes on horseback, at other times on foot, at the head of parties of the Manchester regiment.

C. ORMSBY MCCORMACK, No. 86.—I saw the defendant upon the march with the rebel army between Preston and Carlisle, armed with

sword and pistols. When the rebel army marched from Carlisle to Scotland, the Manchester regiment was drawn up in the castle yard, where a great many arms were given to them, and the defendant was then present at the head of the men, with a plaid sash and cockade. Witness saw him upon guard as an officer in Carlisle when it was besieged by the Duke.

AUSTEN COLEMAN, No. 34 ; La. JAMES WARREN, No. 36 ; THOMAS JAY, No. 58 ; THOMAS CRAGG, No. 88.—These witnesses prove prisoner's presence with the rebels as an officer, armed and dressed as aforesaid, at Carlisle, and upon the march with the Manchester regiment.

HUGH MACDUGALL, No. 60.—I saw the defendant upon guard at the town gaol when the town was besieged by the Duke, and he ordered the sentry to take care of the witness, he having been taken up on pretence of writing letters to the English army.

*[Found guilty. Had sentence reprieved.]*

THOMAS CHADDOCH, OTHERWISE CHADWICK.

SAM. MADDOCK.—When the rebels came first to Manchester the defendant put on a plaid waistcoat, laced hat, and white cockade, and enlisted in the Manchester regiment as a Lieutenant, and was busy there enlisting men. The defendant marched with the rebels to Derby and back to Carlisle, armed with a brace of pistols and small sword and a gun. He wore a white cockade and plaid waistcoat. In the churches at Derby and Lancaster the defendant played several tunes upon the organ—amongst others that called “the 29th of May,” or “*the King shall enjoy his own again,*” which made him much esteemed by the chief officers of the rebels. During the siege of Carlisle by the Duke witness frequently saw him mount guard at the head of parties of the Manchester regiment at the Town Hall, armed as aforesaid, with a white cockade in his hat.

THOS. BRADBURY ; BENJAMIN BOWKER.—Saw the defendant among several of the rebels, who were armed with sword and pistols, in the “Bull Head Inn” in Manchester the day the rebels came there, and was reputed then to have joined them.

AUSTEN COLEMAN, No. 34 ; THOMAS JAY, No. 58 ; THOMAS CRAGG, No. 88.—These witnesses declare the prisoner was in Carlisle with the rebels when the same was besieged by the Duke, he being a Lieutenant in the Manchester regiment. They saw him upon guard at the Town Hall of Carlisle, armed and dressed as aforesaid, at the head of a party of the Manchester regiment.

Capt. KNEVIT ; Capt. CRAIG.—Upon the surrender of Carlisle these gentlemen and others were appointed by his Royal Highness to view and mark the several rebel officers who defended the town, which they did, and know the defendant to be one of them.

*[Found guilty. Executed 30th July, 1746—his head to be placed at English gate at Carlisle.]*

THOMAS SIDDALL.

SAM. MADDOCK.—The defendant was a barber in Manchester, and reputed non-juror, and when the rebels came there he put on a gold laced plaid waistcoat, laced hat, and white cockade, and enlisted as an Ensign or Adjutant to the Manchester regiment. He was the busiest of anybody at Manchester in enlisting men and searching. He marched with the Manchester regiment to Derby, armed with a sword and pistols, a French piece, and a white cockade in his hat. In said march defendant took up a shoemaker, who, he heard, had carried great numbers of shoes from Manchester thither in order to conceal them from the rebels, and the defendant sent a guard to seize them, which the guard did, and brought about three and four hundred pair of shoes to the rebel army. Defendant kept the shoemaker prisoner for three or four days. In the retreat of the rebels from Derby to Leek, the defendant went in the night from Leek with Holker and some other rebel officers in order to have raised more men at Manchester, but, being surprised by the Militia, he quitted his horse and concealed himself until the rebel army came to Manchester. Then he got his horse again and committed several audacious things in Manchester, such as breaking open houses. The defendant marched with the rebels to Carlisle, and when he came there he had money lodged in his hands by the Pretender, as Adjutant to the Manchester regiment.

Witness saw the defendant frequently during the siege of Carlisle by the Duke, mount guard as Ensign at the Town Hall there, at the head of parties of said regiment, armed as aforesaid. Likewise saw him pay several of the companies of the Manchester regiment in Carlisle as Adjutant.

JOHN COLLENS.—I saw the defendant with the rebels at Manchester, with a white cockade in his hat, and a sword by his side, and frequently upon the march with the rebel army between Manchester and Penrith, on horseback, armed with sword and pistols, and a white cockade in his hat.

ORMSBY MCCORMACK, No. 86.—This witness marched with the rebels from Manchester to Derby and back to Preston, where he entered with them, and marched to Carlisle. The defendant marched along with the rebel army, armed with sword and pistols. The Manchester regiment was drawn up in Carlisle Castle, when the rebels marched to Scotland, when a great quantity of arms were given them. The defendant was then present as an officer at the head of the men, and had a plaid sash and cockade on.

AUSTEN COLEMAN, No. 34; C. THOMAS JAY, No. 58; La. JAMES WARREN, No. 36; La. THOS. CRAGG, No. 88.—These witnesses testify as to the prisoner's presence with the rebel army at Manchester, Lancaster, and Carlisle, armed and dressed as aforesaid.

THOMAS BRADBURY.—I saw defendant along with one of the rebel serjeants and drums, beating up for volunteers in Manchester. The defendant pulled off his hat and huzza'd. He had then a white cockade. Saw him afterwards with the rebels at Manchester with a plaid waistcoat and white cockade. He came with some of the rebels to this witness to print an advertisement by order of the Pretender.

*[Found guilty. Executed 30th July, 1746. His head was placed at Manchester Exchange.]*

ANDREW BLOOD ALIAS BLYDE.

SAM. MADDOCK.—I saw the defendant with the rebel army at Manchester when they first came thither, and he marched with them to

Derby and back to Carlisle. At Macclesfield defendant was made Captain of the Pioneers, and did duty as such till they came to Carlisle, and then the Pioneers were broke and incorporated in the Manchester regiment, and defendant was then made a Captain of a company in said regiment. He frequently mounted guard at the Town Hall in Carlisle, armed with a gun, at the head of a party of said regiment, and wore a laced hat and white cockade.

JOHN VERE.—I saw the defendant in Carlisle, armed with a gun, and he did duty as an officer when it was besieged by the Duke.

AUSTEN COLEMAN, No. 34.—Witness marched with the rebels from Manchester to Derby and back to Carlisle. He marched with the Pioneers, who went before the rebels' Artillery and baggage, and mended the roads for them to pass. They mended the roads between Macclesfield and Leek, about five miles from Macclesfield, and between Kendal and Penrith, about four miles north of Kendal on a mountain; and again about two miles north of Shap. The defendant was an officer of the Manchester regiment, and commanded that party of the Pioneers, having a white cockade in his hat. The Manchester regiment was drawn up in the castle of Carlisle when the rebel army marched from thence into Scotland, and defendant was present at the head of the men, and had on a plaid sash and white cockade.

THOMAS JAY, No. 58; C. ORMSBY MCCORMACK, No. 86; C. JOHN CONNOR, No. 36.—These witnesses testify to the prisoner's presence with the rebels as an officer on the march commanding a party of Pioneers, and also in the garrison of Carlisle, when it was besieged by the Duke, dressed and armed as aforesaid.

*[Withdrew his plea and pleaded guilty. Executed 30th July, 1746.]*

JAMES DAWSON.

SAM. MADDOCK.—The night the rebels came to Manchester the defendant was with them at the "Bull Head Inn," enrolling the names of the persons who enlisted at Manchester. The defendant put his own name first on the list as a Captain, and made up cockades. Defendant

marched with the rebel army to Derby and back to Carlisle on horseback, armed with sword and pistols, and wore a white cockade. Upon the march to Derby defendant went with a party of the Manchester regiment to Bradley Hall, and brought away with him two brace of pistols. He beat up for volunteers at several places, and particularly at Derby, where he made a speech to this effect. "All gentlemen volunteers who are willing to serve His Royal Highness Charles, Prince of Wales, Regent of Scotland and Ireland, in one of His Royal Highnesses new raised English regiments, commonly called the Manchester regiment, under the command of Colonel Townley, let them repair to the 'Drum Head,' or to the Colonel's headquarters, where they shall be kindly entertained, enter into present pay and good quarters, receive all arms and accoutrements and everything fit to complete a gentleman soldier, and, for their further encouragement, when they arrive in London they shall receive 5 guineas each and a crown to drink his Majesty King James's health, and, if not willing to serve any longer, they shall have a full discharge. Every man shall be rewarded according to his merits. God bless King James." During the siege of Carlisle he frequently saw the defendant mount guard at the head of parties of the Manchester regiment at the Town Hall, armed as aforesaid.

THOS. BRADBURY ; C. AUSTEN COLEMAN, No. 34.—Witnesses testify as to defendant's presence with the rebels as an officer in the Manchester regiment on the march to Derby, at which place he went about enlisting. Also at Carlisle, armed and dressed as aforesaid.

ORMSBY MCCORMACK.—I was forced by some of the rebels to go with them from Manchester to Derby and back to Preston. I was made drunk and prevailed upon to enlist with them, and marched with them to Carlisle. The defendant marched with said regiment and the rest of the rebel army to Carlisle, armed with sword and pistols. He was left in garrison there when the army marched to Scotland. The said regiment was drawn up in the castle, and a great number of arms given to them, defendant being present as an officer at the head of the men, with a plaid sash and white cockade. Witness was several times upon guard in the town of Carlisle, and saw defendant upon guard when it was besieged by the Duke, dressed as aforesaid.



C. THOMAS JAY, No. 58 ; La. JAMES WARREN, No. 36 ; La. THOMAS CRAGG, No. 88.—These witnesses declare as to defendant's presence with the Manchester regiment as an officer, armed and dressed as aforesaid, in garrison at Carlisle. Also upon the march from Wigan to Carlisle, and at Preston, where he walked the street with the rebels. Acted in defence of Carlisle against the Duke.

*[Found guilty. Executed 30th July, 1746.]*

JOHN BERWICK.

SAM. MADDOCK.—When the rebel army came to Manchester defendant put on a plaid waistcoat, laced hat, and white cockade, and enlisted in the Manchester regiment as Lieutenant. He marched with them from thence to Derby on foot, armed with a brace of pistols and a gun. In their retreat between Derby and Ashburn he stole a horse with saddle and holsters, and marched with them on horseback to Carlisle, and acted as a Lieutenant in said regiment. During the siege of Carlisle by the Duke, defendant frequently was seen by witness upon guard at the head of parties of said regiment at the Town Hall, armed as aforesaid.

JOHN COLLENS.—Testifies as above, and that he saw prisoner frequently on the march between Manchester and Derby, and between Derby and Penrith.

*[Found guilty. Executed 30th July, 1746.]*

THOMAS DEACON.

SAM. MADDOCK.—The day the rebels came to Manchester the defendant put on a white cockade, a plaid waistcoat laced with gold, and a broadsword, and enlisted in the Manchester regiment as a Lieutenant. He was one of the busiest in persuading the common men to enlist, and went with parties of the rebels all over the town to search for arms, and gave those persons who enlisted one shilling each, and promised them £5 more when they came to London. The defendant marched with the

Manchester regiment to Derby and back to Carlisle. He acted as a Lieutenant in said regiment during the whole march, and he always marched on horseback in the same dress as aforesaid, with a brace of pistols and broadsword. He sent his servant as a spy into the Duke's army, and afterwards with an express to the Governor of Carlisle. The defendant was left in garrison at Carlisle, and remained there until the town and castle surrendered to the Duke, and witness frequently saw him mount guard at the Town Hall as an officer at the head of parties of said regiment.

ORMSBY McCORMACK, No. 86.—This witness was left in Carlisle when the rebels marched to Scotland, and he testifies as to prisoner's presence in the garrison of Carlisle as a Captain, dressed and armed as aforesaid.

THOS. BRADBURY.—Witness declares as to the prisoner being with several rebels, dressed as aforesaid, and that he compelled witness to print the Pretender's Manifesto at Manchester.

C. AUSTEN COLEMAN, No. 34.—Witness went with the rebels from Manchester to Derby, where he saw the defendant go about the town with one of the rebel drummers, beating up for recruits for the rebels when the rebel army was there. He afterwards saw him go about with drums at Preston beating up for recruits. Saw him as an officer of the Manchester regiment when it was drawn up in the castle yard of Carlisle, upon the march of the rebels to Scotland, armed and dressed as aforesaid.

THOMAS CRAGG, No. 88.—I saw prisoner with the rebels at Preston, and marching to the guard room at Carlisle at the head of a party of said regiment, armed and dressed as aforesaid, when the King's army were besieging the place. Saw him also at the head of said regiment when it was drawn up on Penrith Moor.

BENJAMIN BOWKER.—The night the vanguard of the rebels came to Manchester the witness saw the defendant among the crowd at the "Bull Head Inn," and desired him to go home, lest he should be hurt. Prisoner said he would, but the same evening witness saw him again at the same place with the rebels, with a white cockade in his hat, and believes he had then joined them.

Capt. KNEVIT ; Capt. CRAIG.—These witnesses declare defendant to be one of the rebel officers who defended the town of Carlisle.

*[Found guilty. Executed 30th July, 1746. His head was placed at Manchester Exchange.]*

DAVID MORGAN, ESQ.

SAM. MADDOCK.—When the rebels came to Manchester I saw the defendant very busy amongst them with a white cockade in his hat. He was reputed the chief man in getting from the Pretender's son press warrants for horses and arms. The witness says a man came into the "Bull Head Inn" to the officers of the Manchester regiment, and informed them where Justice Dinkenfield, who had fled from thence on the rebels approach, was, and told them the Justice had carried a great many arms away with him. Defendant being acquainted herewith came into the room where the officers were, and asked the man some question as to Justice Dinkenfield, and immediately ordered the witness and another person to take the said man to defendant's quarters, where there was a guard set over a great many arms, which defendant had under his custody to arm the Manchester regiment. Defendant soon after came to his quarters, and examined the man thoroughly, and made him swear to what he said in the presence of the witnesses, and gave said man a shilling in hand, and told him he should be handsomely rewarded if what he told him was true, which was that he knew where Justice Dinkenfield was, and that he had a great quantity of arms with him. The defendant commanded the witness to stay with the men, whilst he went to acquaint the young Pretender of what the man had told him. When he returned he brought a file of highlanders with him, and ordered them to conduct the witness and the said man to the Pretender's lodgings, where there was a horse ready for the man, and then the defendant gave Lord Pitsligo a search warrant, signed by the young Pretender, which was orders to bring Justice Dinkenfield, arms, and horses to the young Pretender. Witness went with Lord Pitsligo and a party of Hussars, but the Justice was fled.

The witness afterwards frequently saw the defendant upon the march with the rebels from Manchester to Derby, armed with a brace of pistols and a broadsword, and wore a white cockade. In the retreat to Ashburn

defendant came to the house where the Manchester officers were quartered, where Captain Dawson of the Manchester regiment gave him a brace of pistols, and there the defendant left the army. The witness heard defendant say that he had the offer of the Manchester regiment made him by the young Pretender, but that he refused it, not being a military man. That defendant was generally with the young Pretender at night, and lodged in the same quarters with him; that he acted as a spy for the rebel army in observing the motion of the Duke's army. Further, that while the rebels were at Manchester defendant met Mr. Francis Townley, Peter Moss, James Dawson, George Fletcher, James Bradshaw, Thomas Furnival, Thomas Deacon, Robert Deacon, Charles Deacon, Andrew Blood, and several others, at Mr. Cookson's, the sign of the dog in Manchester, and there the defendant proposed the raising of a regiment for the Pretender, to which proposal all present agreed, and all of them then having white cockades in their hats. Then the company considered who should have command of the regiment, and, after a short consultation, offered the command to the defendant, but he thanked them and desired to be excused, saying he did not understand military discipline well enough to take so large a command upon him, and said that Mr. Townley had been in the French service, and understood the military discipline much better than him, whereupon Mr. Townley was named Colonel. He set his hand down in a paper first as Colonel, and the rest set down their names with the title of rank in said regiment, and then the defendant took the list away with him to the Pretender, and promised to furnish them with arms. Then ordered a drummer about the town to beat up for volunteers.

JOHN BERRY, No. 3.—He was a servant to Mr. William Vaughan in Monmouthshire, and in the beginning of November last his master told him that he was going a shooting at Mr. Berkeley of Speechly in Worcestershire, and bid him get a couple of fowling pieces and the spaniels ready in the morning, and they went to Mr. Berkeley's and stayed there one night. There his master met with the defendant Morgan, and from thence his master and Morgan went to Mr. Fitzherbert's in Staffordshire, where they stayed one night, and then went to a gentleman's house near Leigh in Lancashire, but does not remember his name, and they stayed there two nights, and then went to Preston,

and stayed all night before the rebels came. He says he and Mr. Morgan's servant were ordered by their masters to take the horses to Walton (about a mile north of Preston), and, if the rebels came that way, then they were to take the horses to a village about four miles further off. About 10 or 11 o'clock the said Vaughan and Morgan came to the house where the witness and the other servant were with the horses; stayed there all night and walked back to Preston next morning. Witness and the other servant were directed to stay where they then were till they came again. They came again the second night about 11 o'clock, and next morning directed the witness and the other servant to take the portmanteau and horses and go to Leigh as aforesaid, but to wait in the road a little way short of Leigh until they came to them, and about 4 of the clock in the afternoon the said Vaughan and Morgan came to them with each a white cockade in his hat, and then went to the same gentleman's house at Leigh where they had been, and lay there that night. The next morning they went to Manchester with the said cockades in their hats, and put up at a constable's behind a church, but does not remember his name. He attended his master at supper the second night they lay there, and there were the said Mr. Vaughan, Mr. Morgan, and Mr. Murray, the secretary to the young Pretender, at supper together. He heard Mr. Morgan call him Mr. Murray, and he saw Mr. Murray go in and out of said house several times. He says his master and defendant Morgan joined the young Pretender's Life Guards, under the command of the Lord Elcho, and rode with them from Manchester to Derby. His master gave him two guns to carry from Manchester to Derby. When the rebels went back to Manchester, his time being out with his master, he left him there, and was going when he was taken up and committed to gaol.

EDGAR HOWE.—Defendant and about twenty other rebels—eight of whom were officers—were quartered at my house at Derby about two days when the rebel army was there, and defendant told me these eight officers always lodged together, and that they were not come to live upon him or anybody else, for they would pay for what they had. Defendant appeared to be the chiefest person of those quartered at my house, and gave all the directions for providing for their entertainment, and gave the witness a guinea and three shillings for such entertainment of himself and the other rebels, and said he paid him like a gentleman. Defendant

was then publicly called and reputed to be the Prince's (meaning the young Pretender's) Counsel. The witness has since seen the defendant in Newgate, who told him (the witness) he would come to Derby and see him again in spite of King George and all the people in the world, or to that purpose. He saw defendant frequently go to the Pretender's lodging, and never appeared to be under any restraint while he was at Derby.

*[Found guilty. Executed 30th July, 1746. His head was placed at Temple Bar.]*

## JOHN HUNTER.

SAM. MADDOCK.—The defendant told witness he came from London with design to join the rebel army, but being suspected he was taken prisoner by the rebels at Preston, and carried with them to Derby and back again to Preston, when he was released by Captain Sanderson of the Manchester regiment. Immediately after he was released he put on a white cockade, drank the Pretender's health on his knees, and enlisted as an Ensign in the Manchester regiment, and did duty as such upon the march from Preston to Carlisle. During the siege of Carlisle by the Duke he frequently mounted guard at the Town Hall at the head of parties of the Manchester regiment, armed with a broadsword and gun, and wore the white cockade.

JOHN COLLENS.—Witness first saw the defendant when he was a prisoner to the rebels. After the rebels had released him he put a white cockade in his hat, enlisted in the rebel army, and marched from Preston to Penrith.

JOHN VERE.—I was carried prisoner with the rebels to Carlisle, and the defendant was made an officer in the Manchester regiment in the rebels' service at Preston, and marched with them to Carlisle, where he was left in garrison. The witness saw him in Carlisle, armed with sword and gun, do duty as an officer in defence of the place when it was besieged by the Duke.

Capt. KNEVIT; Capt. CRAIG.—Upon surrender of Carlisle said gentlemen and others were appointed by his Royal Highness to view

and mark the several rebel officers who defended the town, which they did, and know defendant to be one of them.

*Note.*—Prisoner was forced, he escaped, being pursued for eleven miles, and threatened with death unless he returned.

[*Not guilty. Acquitted.*]

JOHN COMERIE.

JOHN VERE; SAM. MADDOCK.—These witnesses were in Carlisle when the town was besieged by the Duke, and say defendant was one of the rebel officers left in garrison there, and did duty as such during said siege, armed with broadsword and pistols.

C. JOHN DONALDSON, No. 42.—I was a private man in garrison in Carlisle when it was besieged by the Duke, and defendant was a Captain in the rebel service, and defended it as such. I received pay in Carlisle from the defendant as my officer.

C. ALEX. FORBES, No. 47; C. JOHN FRAZER, No. 48; C. JOHN OGILVY, No. 89.—These witnesses testify as to prisoner's presence as an officer in Carlisle when besieged.

DONALD STEWART, No. 103.—Testifies as above, and that he saw him upon guard at the Scotch gate during the siege.

La. DAN. FARLAN.—Witness was left in garrison in Carlisle by the rebels when they marched into England, and stayed until the town surrendered to the Duke. Saw the defendant, who was an officer in the rebel army, upon guard on the walls near the Irish port.

La. ISABEL CAMPBELL, No. 72; Y. HUGH MCDUGAL, No. 60.—These testify as above.

WM. MACGHIE.—I saw the prisoner at Holyrood House at Edinburgh with the rebels, and at the head of his company upon the march to Carlisle, armed with sword and pistols. Saw him draw up his men in the castle of Carlisle, and upon guard, armed as aforesaid.

[*Died before trial.*]

## JAMES STATTON.

JOHN VERE; SAM. MADDOCK.—These witnesses were in Carlisle when it was besieged by the Duke of Cumberland, and until it surrendered to him, the defendant being the surgeon to the rebel garrison, and acted as such during the siege. He marched from Edinburgh. In officers' list as a surgeon.

JOHN CONNOR, No. 36.—I was servant to Col. Strickland, and came to Carlisle about four days after it surrendered to the rebels. My master was taken ill, and continued there until the rebels came out of England. He died three or four days before the town surrendered to the Duke. The defendant was surgeon to the rebel garrison, and attended the sick and wounded rebels there.

ISABEL CAMPBELL, No. 72.—Testifies as above, and says he appointed her to look after the sick.

WILLIAM MAGGEE; JOHN ALLEN.—As above.

Chief Justice WILLS.—It is objected that it don't appear he had arms. All are principals in aiding or assisting, and are parties to levying war, and surgeons are necessary; so are drummers. No proof of his marching and the cockade, but a circumstance. Presumptions won't do.

*[Jury acquitted him.]*

## ANDREW WOOD.

JAMES PATERSON, No. 39.—While the rebels were in possession of Glasgow, it was the general report there that the prisoner had taken on with the rebels, and was to have a commission as Captain in Roy Stewart's regiment upon condition he should raise 50 men for the rebel service. The day after such report I saw him walking with Roy Stewart in the town of Glasgow in English habit, but don't remember whether he was armed or wore a white cockade.



ROGER MACDONALD, No. 39.—I saw the prisoner with the rebels at Glasgow, and knew very well he had taken on with them. I heard he was to have a Captain's commission upon condition of raising 50 men for the Pretender's son. Upon 28th December last prisoner took on with the rebels, and before that he wore English clothes. He ever after taking on with them wore Highland clothes, and broadsword and pistols. I often saw him in Glasgow with the rebels, dressed and armed as aforesaid. Also saw him along with a party of Roy Stewart's regiment on Speyside at the time General Bland was at Strathbogie. I often saw him along with John Roy Stewart's regiment at Elchies, where that regiment was posted to keep the ford there, and remembers particularly to have seen the prisoner there when witness was sent to intercede with John Roy Stewart about restoring to one Captain Campbell a watch and some guineas which a party of said Stewart's regiment had taken from Mr. Campbell at Keith, and I left prisoner with said regiment when I marched to Inverness.

JOHN HAY, No. 50.—I was once at Inverness when in the possession of the rebels, and saw prisoner along with John Roy Stewart, in whose regiment he had a company, dressed in highland clothes, and wearing broadsword, and cockade in his bonnet. Two days before the battle of Culloden I saw prisoner with Roy Stewart's men at Elgin, dressed as aforesaid.

ALAN STEWART, Tilbury; Captain EYRE; Lieut. MOORE.—These gentlemen testify to his presence with the rebels as Captain in Roy Stewart's regiment.

EDWARD SMITH.—I saw prisoner with said regiment in arms at Fochabers, and believes he was with the detachment under Glascoe at Keith.

ANDREW JOHNSTON.—I saw prisoner beat up for volunteers at Glasgow, and at the battle of Falkirk, at Perth and Nairn.

JOHN FALCONER.—I saw prisoner receive his commission from the Pretender's son, and he asked witness to get him some men and a serjeant to beat up in defendant's name for volunteers. He was armed with a small sword, and wore a white cockade.

FRANCIS CHALMERS.—Testifies as to prisoner joining the rebels at Glasgow, that he was made a Captain in Roy Stewart's regiment. I saw prisoner with the rebels at Falkirk, and at Rothes in Murray, armed and dressed as aforesaid.

[*Guilty. Executed 28th November, 1746.*]

## SIR JOHN WEDDERBURN.

ROGER MACDONALD, No. 3.—I knew the prisoner very well, and saw him with the rebels upon the retreat from Stirling on the way to Inverness, when part of the rebel army passed over the Tay near Perth. Just after the rebels had passed, I saw prisoner join them on the other side with a party of Strathallan's horse, he being on horseback, in English dress, with a sword by his side and pistols before him. Prisoner, armed as aforesaid, marched with a party of Strathallan's horse to Aberdeen. Upon the march of the rebels from Aberdeen to Old Meldrum, I saw prisoner armed and upon horseback. From Old Meldrum he marched with them to Banff, where I often saw prisoner on foot, armed, and I believe he was a volunteer in a squadron of Lord Strathallan's horse, composed of gentlemen of fortune.

ANDREW ROBINSON, No. 9.—I saw prisoner with the rebels, and he was concerned in levying the excise for their use, but did not wear a highland habit. Don't remember whether he wore a sword or a cockade. While at Dundee I went one day to Mr. Ogilvie's house, where in a room I saw the people of the town paying their excise money to prisoner, but don't remember to have seen him marching with any body of men in the rebel service.

HENRY EDWARDS, No. 57.—At Perth this witness saw prisoner, when Lord Strathallan was governor for the rebels, on his way from Dundee to Edinburgh to get his commission as collector of excise for the Pretender rectified—the prisoner's father's name being inserted by mistake instead of Sir John's. Upon prisoner's return to Perth he acted there as collector of excise for the Pretender's son, and sent a drum about the town to give notice to the people to come and pay it upon military execution. He

wore a white cockade, and had a sword by his side. Saw him frequently with other rebels there. Proves by receipts that prisoner did collect excise on ale and leather in November, December, and January last, in parts of Scotland where the rebels were masters.

JOHN BRUCE.—Prisoner collected the excise for the Pretender at Brechin—a party of rebels being then in the town. Witness paid him 12/6 for his excise. The prisoner said to witness that he should have come sooner, and not have hindered the Prince's men, and added, he had a good mind to send and take his boilers away.

JAMES MORTIMER.—I saw prisoner with the rebels at Aberdeen, and at Elgin, armed with a broadsword. He was reported to be collector of cess in Angus.

JOHN ADAMSON.—Testifies as above, and says he paid his cess twice to him at Brechin.

Capt. EYRE ; Lieut. MOORE.—Prisoner told them he was a volunteer in Lord Ogilvie's regiment, and collector of excise at Brechin.

ANDREW JOHNSTON.—I saw the prisoner with the rebels at Edinburgh. He marched with them to Derby and back. Was in the Pretender's Guards at the battle of Falkirk. Saw him with the rebels at Perth and Culloden, armed with broadsword and pistols. Some times he wore the uniform of the Life Guards, and was at other times in the highland dress.

JOHN FALCONER ; ALEX. RUSSELL.—Saw him in the Pretender's Life Guards, and in their uniform at Edinburgh, armed with sword and pistols.

*FOR THE DEFENCE.*

Mr. JODDREL.—The treason charged is levying war, and the over act is being in arms. But two witnesses only speak to his being at Aberdeen, and in a common dress, such as the townsmen wear. Entering into the rebellion after won't do, for there must be treason at Aberdeen. Cannot give evidence of collecting the excise by 7 to 3—it not being laid expressly. His father, Sir Alexander, was collector for the King. Lord Ogilvie took his horses, and he going after them they carried him by force to collect the excise.

Mr. GORDON.—No proof of his being in England. Not a volunteer, but a private man—proved by Capt. Eyre.

GEORGE WALKER.—The rebels came to Angus-shire in September, and took three of the prisoner's horses. Two were brought back. They said it was to serve the Prince. He said he did not intend to give his horses for any such uses. They said then he should go, and they seized him. He returned in three days, and stayed till latter end of October. About November he was taken at Perth. I carried a letter, and the guard took it and handed it to him. Had an answer in the afternoon, he being to dine with Strathallan. About 12th November he came home and stayed a week, when 100 men came at night and carried him off to Dundee. Saw his servant in Dundee the Tuesday after. Eight days later he came back and stayed till 4th February. Came back 1st December and stayed at home two months. Lord Lewis Gordon's men came and carried him off again to Brechin. Saw him in middle of March at Elgin. No force used.

GEORGE MORKER.—Witness a farmer's son near Sir John's, which is within 14 miles of Perth. Horses taken [and rebels said], D—n him, he should go—wife came out—they damned her—put him on horse—saw him at home four days after—stayed till middle of October. His servant and he rode away together, and nobody with him. Latter end of November—Sunday afternoon. Semple visited house, and took him in running away against his will. Wife and children cried. Saw him at Dundee guarded on Friday after. Ten days afterwards saw him at his house, and he stayed till 5th February, when he was taken away again. [They] called him "that deserter dog Wedderburn." He was at home again when Falkirk battle was fought.

JOHN SCOTT.—Speaks to theft of horses—went on a visit ten days.

DAVID HUTCHEON.—I never heard how he came or got home ; nor whilst at home did any come after him. He made several visits for two or three nights.

Mr. Justice WRIGHT.—The collecting is proper evidence of the overt act laid.

*Notes.*—1st November. 10 jurors sworn, and all the rest absent or challenged. A jury did not appear, and the court ordered another panel at a subsequent date. Those who appeared on the 1st were sworn. 4th November. There being no new panel, the counsel for defendant agreed to go on and let the former copy of the panel be deemed good service.

*[Information laid at Aberdeen. Guilty. Executed 28th November, 1746.]*

JAMES LINDSAY.

ROGER MACDONALD, No. 46.—I saw prisoner with the rebels about one mile from Edinburgh, at Duddingston after the battle of Prestonpans. He was then on horseback and wore highland clothes. He was armed with a broadsword, had pistols before him, and wore a white cockade. The prisoner was in the same squadron that the witness belonged to—in Lord Strathallan's horse. That from the camp aforesaid this witness and the prisoner marched together to Carlisle along with the rebel army. I saw the prisoner in the town of Carlisle, after it was taken by the rebels, both on foot and on horseback, in arms, dressed as aforesaid. In the march of the rebel army into England I saw prisoner marching along almost every day. Saw him constantly in the retreat with the rebel army, particularly at Preston, and saw him along with Strathallan's horse marching to the engagement at Falkirk, and spoke to him then. Saw him often at Glasgow when it was in possession of the rebels. Afterwards saw him with Lord Strathallan's horse at Stirling, Perth, and Inverness. Also drawn up in rank upon Culloden Moor the day before the engagement there.

HENRY EDWARDS.—I saw prisoner march out of Perth with Lord Ogilvie's regiment, armed and dressed as aforesaid, as one of them. Upon the retreat of the rebels out of England I saw prisoner with some of the rebels in Perth, and he went as an escort from Glasgow to Castle Drummond. He declared he was obliged to join the rebels, because if he did not they would not have paid him the money which several of the heads of the rebels owed him, and he could not support his family without it.

Capt. EYRE ; Lieut. MOORE.—Prisoner informed them he was a volunteer in Lord Strathallan's horse.

ANDREW JOHNSTON.—Testifies as to prisoner being a volunteer in Kilmarnock's, afterwards Lord Strathallan's, horse, and he saw him at Moffat, Carlisle, and often on the march to Derby. At the battle of Falkirk, and at Perth, he commanded a party to press horses for the rebels. Saw him with them at Fochabers, Elgin, and Culloden, armed and dressed as aforesaid.

HENRY CHEAP.—I saw the prisoner first with Lord Ogilvie's regiment at Perth ; afterwards in Lord Kilmarnock's horse, and marched with them to Carlisle and Derby, armed with a gun and sword ; dressed in highland clothes and white cockade.

JOHN HENDRY.—Prisoner was a Captain in the Duke of Perth's regiment, and was with them at Musselburgh, armed with broadsword, highland dress and white cockade, and believe I saw him drawn up with them at Carlisle.

Mr. CHAS. LESLIE.—I saw him with the rebels in October, 1745, at Edinburgh, with a white cockade in his hat, and armed with a broadsword.

DAVID BELL.—I first saw the prisoner with the rebels at Cullen and Aboyne, mounting guard there and patrolling. Saw him march from thence with a party of Glenbucket's men to Fochabers.

*FOR THE DEFENCE.*

Mr. GORDON.—Prisoner, a shoemaker, engaged with a good intention—all his stock seized. He declined being in the battle of Falkirk, and pleaded sickness.

PETER CRAWFORD.—He is a shoemaker in Perth, and set up 6 years ago. Has a wife and three children. Had a good business. Glenbucket ordered all shoes to be produced and others made, and sent officers for shoes and boots. He said he was to go to Edinburgh to be paid. Whilst he was gone another party demanded shoes, and plundered the house. He came back to Perth before the rebels and was seized as a deserter, and carried away by them. He cried. He was eight days at his business before they took him ; about the time of Falkirk battle. 150 of Strathallan's men were then at Perth.

JOHN MALCOM.—He paid excise to Glenbucket. The shoemakers were ordered to work, and he went to Edinburgh for his moneys, and did not work on his coming back.

*[Information laid at Carlisle, Cumberland. Found guilty. Reprieved.]*

JOHN HAMILTON.

JOHN VERE; SAMUEL MADDOCK; ROGER MACDONALD.—These witnesses were in the castle of Carlisle when the same was besieged by the Duke, and say the defendant was the Governor thereof for the Pretender, and appeared and acted as such—walked about the ramparts and gave directions to the officers and men then in garrison there, for the defence thereof against the King's troops.

JOHN DONALDSON, No. 42; JOHN FRAZER, No. 48; THOS. CHALMERS, No. 31; JOHN OGILVY, No. 89; ALEX. REACH, No. 91; DONALD STEWART, No. 103; JOHN URQUHART, No. 105; WM. MAGGEE, No. 7; ISABEL CAMPBELL, No. 72; ALEX. IRVINE, No. 125; ARCH. LAUDER, No. 131; JOHN ALLEN, No. 2.—These witnesses were all private men, and were left in garrison in Carlisle by the rebels when their army marched from thence to Scotland, and defendant was the Governor of the castle at that time and continued there; was called, appeared and acted as Governor thereof in defending the same when it was besieged by the King's forces under the Duke of Cumberland.

ALEX. FORBES, No. 47.—I was a servant to the defendant, and some time after the battle of Prestonpans the defendant told me he was going to serve the Prince, meaning the young Pretender, then in Scotland, and I must go with him. I declined, and the defendant told me Glenbucket was taking up all the men thereabouts, and if I did not go with the defendant I must be obliged to go with Glenbucket, and carry arms. If I went with the defendant I would have nothing to do but look after his horses, upon which I went with him, and carried his cloakbag behind me to Aberdeen. From thence we went with a party of the rebels to Edinburgh, and afterwards to Carlisle. Defendant marched with the rebel army from Dalkeith to Carlisle armed with sword and pistols, and went to the trenches

to see how the siege was carried on by the rebels. After the town was taken I went into it with the defendant, who was then Governor, and continued and acted as Governor when it was besieged by the Duke. I received my pay of 8d. a-day at Carlisle from the defendant.

DANIEL MACFARLIN, No. 15.—I was made to lead one of the rebels' baggage horses to Carlisle, where I was left when they marched further into England. I there had a gun given me by order of the defendant, with which I was obliged to mount guard in Carlisle.

WM. WILLS, No. 110.—Defendant was left in garrison in Carlisle when the rebels marched from thence into England, and I received pay at that time from Captain Thomas Ogilvie, some of which money I saw Captain Ogilvie receive from the defendant as Governor of Carlisle.

HUGH M<sup>C</sup>DUGALL, No. 60.—I was kept in Carlisle when the rebel army was in England, and defendant asked me if I would swear to be true to the Prince (meaning as witness believed the young Pretender), and if I would do so I should have a commission. I refused, and was put in confinement in the guard room, but soon afterwards had liberty again. Defendant continued Governor of Carlisle till the rebel army came back. Then I was again confined until they marched to Scotland, was set at liberty, but was again taken up by some of the Manchester regiment, under pretence of holding correspondence with the English army. I was carried to the castle guard and confined some days. Defendant sent me to the town gaol, from whence the captain of the town guard sent me to the county gaol in Carlisle, where I was kept till the town surrendered to the Duke.

ROGER MACDONALD.—I saw the prisoner upon the march in Scotland with a squadron of Lord Pitsligo's horse in the rebel army, and saw him several times in Carlisle when he was Governor thereof for the Pretender.

JOHN URQUHART.—I saw defendant along with the rebels at Edinburgh, on horseback, armed with a broadsword.

WM. MACGHIE.—The defendant came to join the rebels at a camp at Duddingston, armed with sword and pistols. Afterwards I saw him on foot with the rebels at Edinburgh with a sword by his side. He marched with the rebels to Carlisle. He was Governor of Carlisle for the Pretender,

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and lived in the Governor's house. The rebels were drawn up every day in the castle before his house, and he reviewed them. He was frequently upon the ramparts, with a sword by his side, the day before the King's forces came before the town. Defendant gave orders to the gunners to have all things in readiness. That the guns from the castle fired forty-eight hours upon the King's army, and whilst the guns were so firing defendant was busy giving orders to the soldiers in the castle.

JOHN DAVISON.—I live in Carlisle, and was there when the rebels took it; defendant was made Governor of it when the rebels marched into England. I applied to him as such to let me have a gate opened to let horses pass through. I was frequently in Hamilton's company, and often heard him when speaking of His Majesty call him the Elector of Hanover, and frequently heard him drink to the speedy landing of a king—by which I believe he meant the Pretender, because I never heard him nor any of the rebels in Carlisle call His Majesty king.

Capt. CAREY.—When Carlisle surrendered to the Duke of Cumberland the defender as Governor surrendered himself, garrison and papers, to the Duke. Among the papers he delivered his commission to me, which is under the hand and seal of the Pretender to this effect:—

“Charles P.R.

“Charles, Prince of Wales, &c., Regent of England, Scotland, France, and Ireland, and the Dominions thereunto belonging.

“To our Trusty and Well-beloved, John Hamilton, Esquire. We, reposing especial Trust and Confidence in your courage, loyalty, and good conduct, Do hereby Constitute and Appoint you Governor and Commander of the Town, Castle, and Citadel of Carlisle, from the date hereof, with power, &c. Given at Carlisle, the 14th day of November, 1745.”

I also took from defendant his instructions, dated 20th November, 1745, which were given him for his conduct in the defence of the place, and which are signed by John Murray, as secretary to the young Pretender.

I also took from defendant a letter from Secretary Murray, dated the 21st November, 1745, directed to John Hamilton, Esquire, Governor of Carlisle, signifying that His Royal Highness recommends [that] he enquires narrowly about the sick people at Carlisle, and either to take them into the castle or forward them to the army, and to do his utmost to intercept deserters.

I took another paper from the defendant, being a letter under his hand, dated 30th December last, directed to Captain George Abernethy and Robert Forbes, empowering them to wait upon the officers besieging Carlisle, in order to capitulate.

The following papers were then taken out of a cloakbag in the house of one Francis Hewit in Carlisle, which cloakbag was shown to defendant, who owned it to be his :—

(1.) A letter dated 20th November, 1745, signed Charles P.R., and directed to Colonel John Hamilton, Governor of the castle and city of Carlisle, requiring him to raise a regiment of dragoons, to be called the Royal Scots Greys, and to collect the publick monies in Cumberland, Westmoreland, and Northumberland, and in the most contiguous parts of Scotland, and to provide the garrison with provisions.

(2.) “By John Hamilton, Governor of Carlisle, for His Royal Highness “the Prince Regent.

“Permit Francis Hewit, Merchant in Carlisle, to pass and repass.

“JO. HAMILTON.

“To all His Royal Highnesses Officers, Civil and Military.”

(3.) A recognizance of Isaac Brown, the younger, and surety taken before the defendant as Governor of Carlisle, in the penalty of 1000 lib., and signed by the defendant, upon condition that Isaac Brown, the younger, appear before our Sovereign Lord the King, or the Prince Regent, or before the Governor of Carlisle for the time within forty-eight hours after notice, and to answer such matters as shall then and there be objected against him. And that if he do not depart without leave, then this recognizance to be void, otherwise to be and remain in full force and virtue.

(4.) Another paper, dated 19th November, 1745, beginning, “Charles, Prince of Wales, &c., Regent of England, Scotland, France, and Ireland, and the Dominions thereunto belonging.—To all the high and Petty Constables within the County of Cumberland.—These are requiring, &c., to obey the orders of John Hamilton, Esquire, our Governor of the town, Castle, and Citadel of Carlisle, upon pain of Military Execution.”

Capt. KNEVIT ; Capt. CRAIG.—These gentlemen were ordered by His Royal Highness, upon the surrender of Carlisle, to view and mark the several rebel officers, so as to be able to know them again, which they did, and know the defendant to be one of them.

Mr. CHAS. LESLIE.—I saw prisoner in Edinburgh, in October, 1745, armed with a broadsword, and white cockade, commanding a party of men in the rebel army.

JOHN WILLIAM.—Prisoner was Governor of Carlisle, and the rebels were drawn up before his door, and he gave orders to the gunners to fire as fast as they could upon the Duke's battery, which was being raised against the castle.

CHARLES HENDRY.—He was in highland dress.

[22nd October, 1746. *Withdrew his plea of not guilty, and pleaded guilty. Executed 28th November, 1746.*]

GEORGE ABERNETHY.

JOHN VERE ; SAMUEL MADDOCK.—These witnesses say defendant was one of the rebel officers left in Carlisle when they marched from thence to Scotland, and that he did duty as an officer in defence of the place against the King's forces, armed with sword and pistols.

JOHN URQUHART, No. 105 ; ALEX. REACH, No. 91.—Defendant was an officer in Glenbucket's regiment, with which he marched from Dalkeith to Carlisle, armed with sword and pistols, with colours flying, and pipes playing before them as they marched through towns upon the road. These witnesses were left in garrison in Carlisle when the rebels marched to Scotland, and defendant acted as an officer in garrison there, did duty as such, and was armed with sword and pistols, and defended the castle against the King's forces.

JOHN FRAZER, No. 48 ; ALEX. FORBES, No. 47 ; THOS. CHALMERS, No. 31 ; JOHN DONALDSON, No. 42 ; WM. MAGGEE, No. 7.—All these testify to defendant's presence as a rebel officer in Carlisle, armed with sword and pistols.

DANIEL MACFARLAN, No. 15.—I saw prisoner mount guard as a rebel officer at the Irish port in Carlisle.

WILLIAM WILLS, No. 110; ALEX. IRVINE, No. 125; ARCH. LAUDER, No. 131; HUGH MACDUGALL, No. 60; JOHN ALLAN, No. 2.—These witnesses declare prisoner was a rebel officer in garrison in Carlisle, and they saw him walking about the ramparts observing that the sentinels did their duty, mount guard, and among other rebel officers when cannon were fired from the castle upon the Duke's army.

CHAS. HENDRY.—Prisoner commanded a party of rebels in Carlisle in getting stores and provisions for the castle. He was dressed in highland dress, white cockade, and armed with sword and pistols.

THOS. GORDON; JOHN MACKINSON; JOHN WILLIAMSON.—These witnesses testify to prisoner's presence in Carlisle as storekeeper.

JOHN DAVISON.—I frequently saw prisoner in the castle yard of Carlisle when it was in possession of the rebels, and he usually wore a heavy sword and pistol in his girdle. Prisoner commanded a party who searched the town for provisions. Witness upon the approach of the Duke's army went to the castle to ask for a couple of sentinels to stand at his door, apprehending that the town that night would be plundered by the rebels. Prisoner was that night upon guard at the castle, and told witness they could not spare any men.

FOR THE DEFENCE.

Mr. JODDREL.—The defendant was a merchant at Banff, and bailie of the town. When Cope wanted to be shipped for south of Scotland, he sent Rogers to provide ships. He went through Banff, and could not get horses for Aberdeen at the Post Office, and the prisoner procured him one as necessary for His Majesty's service. When Cope came to Banff he furnished him with carriages. This soon became known to the rebels, who came and took him prisoner, and carried him to Glenbucket's quarters. His wife could not get a letter to him. He was carried away a prisoner.

Mr. GORDON.—'Tis *prima facie* a presumption against defendant. Shall prove an original force. There is a difference between marching and being in company, and actual acts of hostility. Shall shew how those retaken were used, and from thence infer the terror.

Sir JOHN COPE.—I sent Captain Rogers from Inverness with letters to get ships at Aberdeen. Rogers is killed. I marched through Banff and was furnished with carriages by the Magistrates, but can't speak to prisoner's person. I sent to the Magistrates as the proper persons. I had 1100 men.

JAMES RAILLY.—I have known prisoner 24 years at Banff. He was a bailie (Provost is chief magistrate), but often he has the gout. He is about 40 years old. Rogers came to Banff, but on bad horses. Prisoner saw him and said, "It is the King's officer, I must see what he wants, and if he needs horses." He soon came back, and bade me go with him and get horses for the Captain, for there was great difficulty. Found some leading corn, and cut the harness, and drove them to the Post house, and they went. Prisoner and Rogers drank a bottle whilst saddling, and sent a boy who knew the way to avoid the rebels. When Cope came, prisoner, as one of the three bailies, got him carriages—one at Londrew (?) and the other not in . . . there were more procured than wanted. A week after the rebels took the prisoner they pillaged for armour, and 20 or 30 came to the prisoner's house, and went in and soon came out holding him. He cried what they took him for, and they said he was a whig villain, and should go with them. He asked why, and they said he put Rogers out of their way, and they were deprived of his papers. He said he would do it again. Then they carried him to Glenbucket's quarters. Next morning they put him on a bare horse. They would not let his wife see him, and bade her go home for a whig —, or else they would fire her house. He was carried away, although he and she offered all they had to leave him. He cried out most vehemently, and had no arms or whip. One highlander led the horse and another drove him. Between four and five hundred carried him away. Rogers said he would take care the Government would reward the prisoner.

ALEX. GILL.—Prisoner was very unwilling to go with them. They said they would make him suffer for it, and in general witness confirmed the above evidence as to carrying him away.

JOHN FIOTT.—Witness was a servant to prisoner. Sent by the wife to prisoner at Strathbogie with a letter . . . cut my hand and would not let me do it. Saw him carried away surrounded by rebels.

ANNE GRAHAM.—Witness is a servant at the Grapes, Carlisle, where prisoner lodged.

JOHN VERE.—Witness was prisoner on the King's side at Carlisle. Upon 21st December he told me he wondered the Duke did not summons the town, and I said the Duke would not treat with them, and he said he was sorry. I advised they should draw up an instrument desiring the Governor to surrender.

CHIEF JUSTICE.—Here are sufficient overt acts of high treason proved. The single question is whether there is excusing force must depend upon the whole circumstances. No evidence of force after Strathbogie, or during last end of September, all October, November, and December. Strong evidence that by being employed they did not distrust him.

*[Found guilty. Recommended by the jury to mercy. Reprieved.]*

THOMAS WATSON.

THOMAS ARMSTRONG.—I saw the prisoner with the rebels in England, particularly on the march into Preston with Ogilvie's first battalion, armed with broadsword and pistols, and a white cockade in his bonnet. Saw him with the rebels at Stirling, Perth, Aberdeen, Fochabers, and upon Culloden Moor the day before the battle, armed and dressed as aforesaid.

JOHN BRUCE.—The prisoner was an officer in Lord Ogilvie's regiment, and I saw him before the battle of Prestonpans, with the men he had raised abroad, in Angus, to join the rebel army. He was then armed with sword and pistols, and wore the highland dress, and cockade. This witness was on board a ship in Cromarty bay with the prisoner, and upbraided him for joining in the rebellion. Prisoner said it had cost him £100 in raising the few men he did, and it could not be helped.

WILLIAM TODD ; ROBERT MACKAY.—Prisoner was a Lieutenant in Lord Ogilvie's regiment, and marched with the rebels through Brechin, dressed in highland dress, and armed as aforesaid. Saw him with him afterwards at Fochabers and at Elgin.

Capt. EYRE; Lieut. MOORE.—Prisoner informed these gentlemen, upon his examination at Inverness, that he was a Lieutenant in Lord Ogilvie's regiment.

*[Information laid at Perth. Found guilty. Reprieved.]*

JOHN FARQUHARSON.

ROGER MACDONALD, No. 32.—I saw Colonel Farquharson's regiment march from Inverness to Nairn to reinforce the rebels who were then at Elgin to oppose the Duke of Cumberland in passing the Spey. In this march I saw prisoner, who was Captain in the regiment, marching along with it on foot, in highland dress, but does not remember whether he was armed or whether he had a white cockade.

JAMES PATERSON, No. 34.—I saw the prisoner with other rebels at Stirling, some days before the battle of Falkirk, when the town of Stirling was in possession of the rebels. He was then in highland dress, with broadsword and pistols by his side, and cockade in his bonnet. Saw him with his men at the moor of Bannockburn, when the rebels were reviewed two days before the battle of Falkirk. I saw him afterwards with the rebels at Inverness, armed as aforesaid. He was at the head of the Farquharson regiment, upon the field of battle at Culloden, which was then preparing to attack the King's forces.

Capt. CAMPBELL.—During the time the rebels were in Edinburgh, I saw Captain John Farquharson dressed and armed as aforesaid, but don't know what command he had in the rebel army.

Capt. EYRE; Lieut. MOORE.—The prisoner told them his name, and that he was Captain in Farquharson's regiment in the rebel army.

JOHN REACH.—Prisoner was a Captain in the Duke of Perth's regiment, and was with them at Edinburgh—mounted guard there as a captain—likewise at Peebles and Moffat, in highland dress, armed with sword and pistols.

## FOR THE DEFENCE.

Affidavits were put in by Thomas Forbes to put off the trial until the arrival of the witnesses for defence. The court would not put off the trial.

*[Information laid at Inverness. Withdrew plea and pleaded guilty. Reprieved.]*

## HECTOR MACKENZIE.

DONALD MUNRO; DONALD FRASER.—Prisoner marched from the first with Lord Cromartie's regiment to Perth. He was in the regiment at the battle of Falkirk, and constantly with it everywhere else. He marched with said regiment into Caithness to raise men for the Pretender, and retired with it to Dunrobin Castle, where he was taken prisoner with the rest of the officers of that regiment.

HUGH ROSS.—I saw the prisoner, who was an officer in Lord Cromartie's regiment, with the said regiment at Perth, before the battle of Falkirk, in highland dress and white cockade, armed with sword and pistols. Saw him with said regiment at Bannockburn, and marching with them to the battle of Falkirk. Also upon the retreat to Aberdeen, and at Thurso in Caithness.

DUNCAN MACDONALD.—I saw prisoner on guard at Perth before the battle of Falkirk, in highland dress and white cockade, armed as aforesaid. Along with one Roderick Mackenzie he confined witness at Perth one night on suspicion of his bringing letters from His Majesty's army.

HECTOR CAMPBELL.—I saw the prisoner along with Lord Cromartie's regiment upon their expedition at Thurso in Caithness, and also several times upon the march from thence to Dunrobin Castle.

GEORGE SINCLAIR.—Testifies as above, and says that the party were drawn up at Thurso before they left that place to see if all the men were there, and then saw prisoner with all the rest of the Mackenzies present on that day. There was a town guard kept at Thurso, and prisoner and the rest of the Mackenzies mounted guard there alternately. Heard the prisoner boasting of his being at the battle of Falkirk, and of the victory there. He was an Ensign in Cromartie's regiment.



Capt. EYRE ; Lieut. MOORE.—He told these gentlemen that he was an Ensign in said regiment.

*FOR THE DEFENCE.*

Mr. JODDREL.—Prisoner went home after Falkirk and was forced out again into Caithness.

JAMES ROBINSON, minister of Loch Broom.—Prisoner was a forester to Lord Cromartie. All the men were called, and we expected for the King, but Lord Cromartie was uncertain, and we suspected a little. The men were raised to guard Cromarty from rebels. Refused to shew the orders. I found it was to join the rebels, and prisoner, alarmed, said, "it was a trick and a snake in the grass, and for his share he would not join the rebels, though he would guard his master from them. He carried off the men." The alarm was taken up, and the people were told he was a liar and came back, and were carried to Lord Cromartie. In three or four days they found their mistake and came back, and said they would not go into the rebellion. Then came threatenings of military execution. He came home 1st March, after sermon, and said it was the third time of his escape. About 12th March the chiefs of Lord Cromartie's [regiment] brought burning orders, which I saw, under Lord Cromartie's hand. His cattle were taken, and when he came to plead for them they took him prisoner, and sent back the cattle. They said they would make him smart for deserting, because they could not trust him. I had an express from Lord Loudoun with private letters to forward ; they came by day light, and they and I were taken. I saved the letters and put them into a safe hand, and they carried me to the guard, and there I found the prisoner kept. I was forced to guard my house, and they took servants away. I was threatened, but at prisoner's request was let go. My three servants were carried away, and are now in Tilbury fort, but I have an order for their discharge.

EWAN MACLEOD ; JOHN MACKAY.—A party came and prisoner absconded. He was carried away in October. He was seized again in March at my house. They said they would part with his cattle in compassion to his wife ; but he should go like a scoundrel, and be done with as Lord Cromartie pleased.

Justice FOSTER.—It must be personal force, not to avoid burning house or destroying cattle, for these are inconveniences which a good subject must submit to, and not go into rebellion to save such effects. It must as a personal force be such as may shew a reasonable fear of death, if not complied with, and a retiring as soon as one can.

The oath may be laid out of the case, for no man is bound to keep it, being inconsistent with his oath of allegiance. The case cited is only of an oath to keep safely effects they had got. This may be matter of compassion, but does not amount to a legal defence, unless the jury think it was *pro timore mortis*.

[Information laid at Falkirk in shire of Stirling. Found guilty.  
*Pardoned.*]

## ALEXANDER LEATH.

JOHN VERE; SAM. MADDOCK; ALEX. REACH.—These witnesses were in Carlisle when it was besieged by the Duke, and they saw defendant, who was one of the rebel officers left in garrison there to defend the same against the King's forces. He was called and acted as captain in the castle of Carlisle, among several other of the rebel officers and soldiers, armed with broadsword and pistols.

JOHN URQUHART.—Testifies as above, and says further he received the pay of 6d. a day in Carlisle from the defendant, as his officer. He was with them as an officer on the march to Derby.

THOMAS CHALMERS, No. 31; JOHN FRASER, No. 48; ALEX. FORBES, No. 37; JOHN OGILVY, No. 89.—These say defendant was in Carlisle when it was besieged by the Duke, and he was called and appeared as a Captain, and did duty as such in defence of the places against the King's forces.

JOHN ALLEN, No. 2; WM. WILLS, No. 110; ARTH. LAUDER, No. 131; DONALD STEWART, No. 103; WM. MACGEE, No. 7.—These testify to his being an officer in Carlisle, and was among the rebel officers when the guns were fired upon the King's forces.

EDWARD CHEW.—The prisoner was a Captain in the rebel army, and was quartered at my house in Preston. He was armed, and marched out of Preston at the head of his company, which company was next to that along with which the young Pretender marched.

JOHN DAVISON.—The defendant, upon my application to the Governor, opened the Scotch gate for my horse to pass through.

CHAS. LESLIE.—I saw him armed, &c., in Edinburgh, in October, 1745, with the rebels.

FOR THE DEFENCE.

Mr. GORDON.—Admitted he acted as Captain and paid the men at Carlisle.

JAMES LEITH.—Glenbucket sent out orders for all tenants to appear, under military execution. Prisoner offered one guinea, but Glenbucket said he would not take it but from those not fit to go—not from him. He went down and went away, and Glenbucket said he would be even with him.

JAMES GRAY.—He was seized in the field, and put on his horse. He threw himself three times off, and then they tied him on. He could have conquered twenty.

WM. INGRAM.—I was summoned, and prisoner was seized by sixteen men. He would have fought them all.

JOHN URQUHART.—At Edinburgh he said, "I don't like this work. I don't care to travel, and will go back." He refused to drink confusion to George's will.

HUGH GORDON.—Prisoner was confined in the Canongate a week after Prestonpans action, and the guards said it was for attempting to escape.

*[Found guilty. Executed 28th November, 1746.]*

## JAMES BRADSHAW.

SAM. MADDOCK.—The prisoner took on with the rebels at Manchester, and was at their meetings there to raise a regiment for the Pretender. He was made a Captain in said regiment, and marched with the rebels to Derby, and back to Carlisle, armed with sword and pistols. He wore a plaid sash and white cockade. At Carlisle he left the Manchester regiment, and escaped with the rebel army to Scotland.

JAMES SCOTT.—Prisoner, on the retreat of the rebels from Carlisle to Scotland, was a soldier in Lord Elcho's troop of horse, which was called the "Pretender's Life Guards." I saw him with said regiment at Carlisle, and afterwards at Elgin and Forres. Sometimes he was dressed in blue, faced with red, the uniform of the troop, and at other times in highland dress, armed with broadsword, wearing a white cockade.

JAMES PATERSON, No. 42.—I first saw the prisoner near Falkirk, with the Pretender's Life Guards, dressed in blue coat, turned up with red—the uniform of the troop. Afterwards I saw him marching on horseback, with his sword by his side, up to the battle of Falkirk against the King's troops, along with Lord Elcho's horse. Also saw him upon the guard at Culloden House, where the Pretender's son lodged. Afterwards at Culloden Moor, on foot, the day of the battle there. He had then quitted the horse and joined the clans, and I believe he had on a highland habit, and sword by his side.

Lieut. MOORE of Battereau's Regiment.—In the pursuit of the rebel army after the battle of Culloden, I saw the prisoner taken by a party of Kingston's horse and Battereau's foot, and saw him a long time ago at Manchester, when I was recruiting there.

BEN. BOOKER.—On 28th November last, when the van of the rebel army came to Manchester, I saw the prisoner along with them, at the "Bull's Head Inn," with white cockade in his hat, but did not observe him with arms, and believe he took on with them that night.

WM. REID.—The prisoner was a volunteer in Lord Elcho's horse, and was with them at Glasgow after they returned from England, and afterwards at Lord Elphinstone's house, near Falkirk, before the battle there.

Saw him afterwards with them at Aberdeen and Speyside. Also at Elgin with said regiment, armed and dressed as aforesaid.

HUGH ROSS.—I saw the prisoner frequently marching with Lord Elcho's horse in the rebel army in Scotland, particularly at Elgin in Murray, when the Pretender's son was there, dressed in long blue clothes turned up with red, and a shoulder-belt mounted with tartan, with a white cockade in his hat, and sword by his side.

Capt. EYRE; Lieut. MOORE.—Prisoner informed these gentlemen that he was a volunteer in Lord Elcho's horse.

EDWARD GIBSON.—I saw the prisoner in Lord Elcho's horse and uniform, armed with broadsword and pistols, when they were reviewed by Lord Elcho at Elgin.

*FOR THE DEFENCE.*

Mr. FORD.—Defect of understanding the circumstances, in the evidence otherwise unaccountable, for he was entirely mad. (1) It don't appear that he said anything at the meeting. (2) He never kept with his company. (3) Would not be reviewed. (4) Leaving Carlisle. (5) Degraded from a captain to a common man. (6) Different accounts of himself to the two captains. In 1745 he was made apprentice, and got married. He pulled his wife about, and leapt out of the window. He left his wife three weeks, which increased his disorder, and he had to be strapped down in bed the day before he joined the rebels. He got up in the night and cut his face against the window. He cannot be said to have entered the rebellion coolly and deliberately nor inconsiderately.

Mr. JODDREL.—His acts whilst mad are to be presumed contrary to what he was disposed to at other times.

THOMAS PUERDESSEL.—I live in London—a Manchester trader. Defendant was apprentice with me, and my bedfellow. The first night he jumped out of bed, and ran about the room. In 1742 I lay with him. He said, "You know I am failing, pray watch me." He did his master's business sometimes and at others not. He has struck me during the day. He makes entries in the shop books, and has come up to town several times within two months of the rebellion. He was not mad then.

JOSEPH MONK.—I knew prisoner 14 years, and he lodged at my house when he came to town. I heard noises in his room in the night time, and a strap was provided for his bed.

CHAS. NEWDIGATE.—At times he has been unfit for business, and would have me look into his books. He owed me £700 or £800. I was called up one night, he having jumped out of the window, and found him in the kitchen, faint, cut, and bleeding. He was fond of his wife, and was much worse since her death. Have dealt with him for £1000.

Rev. WM. WORTHINGTON, his brother-in-law.—Prisoner is sometimes out of his mind. Have heard him say he walked in his sleep, and have helped to strap him down to prevent his hurting himself in his sleep.

JANE RICHARDSON, servant to prisoner.—He whistled when he heard of his son's death three years ago, and he carried straps about with him because he was mad.

*[Information laid at Carlisle. Found guilty. Executed 28th Nov., 1746.]*

WALTER MITCHELL.

JOHN VERE ; SAMUEL MADDOCK.—They saw the prisoner in Carlisle when the town was besieged by the Duke of Cumberland, armed with a firelock and brace of pistols. Also mounting guard at the castle gate at the head of parties of the Scots rebels, and do duty as an officer. He wore the highland habit, blue bonnet and white cockade.

JOHN FRASER ; JOHN WHITE.—These witnesses were forced away by Captain Murray of the Duke of Perth's regiment, and were taken with several others to the rebel camp at Duddingston. Afterwards to Dalkeith, when they marched with the said regiment to Carlisle, with colours, drums, and pipes. Defendant was Adjutant to said regiment, and marched with them. He did duty as a rebel officer at Carlisle when it was besieged by the Duke.

ALEX. REACH ; WM. MAGGEE ; ALLAN —.—These testify to prisoner's presence with the rebels in defence of Carlisle, &c.

*FOR THE DEFENCE.*

ALEX. RENNY.—I am 17 years of age. The barn was burned, and prisoner was taken away in a violent manner. They fired at him and intended to kill him. His mother offered all she had.

WM. YOUNKSON.—He fled from Aberdeen to his mother's. Ten guineas was offered, but they would not take it, because his mother sent corn to Cope.

GEORGE CAY.—I saw prisoner at Montrose, he (witness) being taken and made prisoner; and saw his head cut. He said he wanted to get back.

ALLAN STEWART.—I saw prisoner at Carlisle drawn up, and I attempted to speak to him.

*[Guilty. Reprieved.]*

## GEORGE RAMSAY.

JOHN VERE; SAM. MADDOCK; JOHN URQUHART; ALEX. FORBES.—These witnesses declare that when the town and castle of Carlisle were besieged by the Duke of Cumberland the defendant was an Ensign in the rebel army, and they saw him frequently mount guard at the castle gate, at the head of several parties of rebels. He was armed with broadsword, dirk, and pistols, and wore the highland dress. He was only a private man with the rebels at Derby.

JOHN FRAZER.—Prisoner marched with the Duke of Perth's regiment from Dalkeith to Carlisle, armed as aforesaid, with colours flying, drums beating, and pipes playing.

*FOR THE DEFENCE.*

Mr. JODDREL.—No act of hostility proved against prisoner, who was a wheelwright at Strathbogie.

WM. INGRAM.—I saw the highlanders take prisoner, and his wife made a din after him.

ALEX. RENNY.—Prisoner was unwilling to go.

*[Guilty. Reprieved.]*

## SIR JAMES KINLOCH.

ANDREW ROBINSON, No. 9.—I was servant to Major Glascoe in the rebel service, and marched with him from Dundee to Stirling. Upon the march, about five miles from Dundee, we overtook the prisoner, who then had the command of the second battalion of Lord Ogilvie's regiment. They marched together to Stirling, and arrived the day before the battle of Falkirk. On that march the prisoner was on horseback; wore a highland habit, with white cockade, and was armed. Afterwards I frequently saw prisoner at Stirling, along with said battalion, when the rebels were in possession of the town. Saw prisoner march with said battalion to Fochabers and Inverness. On the 15th of April I saw the whole rebel army drawn up on Culloden Moor, expecting the Duke of Cumberland, at which time the prisoner was in arms.

ROGER MACDONALD, No. 47.—While Lord Ogilvie's regiment lay at the Speyside in the new barracks opposite Fochabers, I passed over the Spey with the prisoner from Fochabers to the barracks. Prisoner was then dressed in highland habit, and had a broadsword under his arm. There was a party of the King's troops then at Strathbogie, and there were three regiments of the rebels then at Speyside, viz., Ogilvie's, Roy Stewart's, and Chisholm's, with Fitz-James's Horse and the Scotch Hussars at Fochabers, and Lord Strathallan's Horse guarding a ford. I am sure I saw prisoner in other places marching with the rebel army, but cannot recollect where. Saw the prisoner frequently with the rebel troops at Fochabers in the highland dress, also with the rebels on the march into England, and thinks he was then in the Pretender's Life Guards.

THOS. ARMSTRONG.—I saw the prisoner with the rebels at Stirling soon after the battle of Falkirk in highland dress, with white cockade. He was Lieut.-Col. of the second battalion of Ogilvie's regiment, and was active in the trenches during the siege of Stirling Castle by the rebels. Saw him afterwards with the rebels at Aberdeen, and upon Culloden Moor the day before the battle.

ALEX. SMITH.—Testifies as above, and says, "I saw him at Brechin, Fochabers and Elgin, dressed in highland clothes, and armed with sword and pistols."



CHAS. MATHER.—I saw prisoner with the rebels at Stirling, Aberdeen, and at the barracks over against Fochabers, armed with sword and pistols, and wore a white cockade.

JOHN BRUCE.—I saw prisoner march with the rebels into Brechin in highland dress, armed as aforesaid.

ROBT. NAIRN ; JOHN COWE ; HUGH ROSS.—Witnesses saw prisoner with the rebels at Montrose, and march from thence to Fochabers at the head of his battalion.

WM. TODD.—I saw prisoner at Stirling, and upon the march from thence through Perth, Aberdeen, and Fochabers, armed and dressed as aforesaid.

ROBERT MACKAY.—I saw him at Brechin, Fochabers, and Nairn with the rebels.

WALTER YOUNG.—The prisoner was with his battalion at Montrose, while the rebels were in England, armed and dressed as aforesaid. Afterwards at Stirling, Aberdeen, Fochabers, and Elgin, always acting as Lieut.-Col. of said battalion.

ROBERT IRONS.—I saw prisoner at Montrose, Aberdeen, and Speyside, dressed and armed as aforesaid.

Capt. EYRE ; Lieut. MOORE.—Prisoner told these gentlemen his name, and that he was Lieut.-Col. in Lord Ogilvie's regiment.

*[Information laid at Fochabers in Murray. Pleaded guilty. Reprieved.]*

FRANCIS FARQUHARSON OF MONALTRIE.

JOHN VERE.—I saw the gentleman called Colonel Farquharson who commanded the Farquharsons. I did not know him before, nor his Christian name, nor the addition of Monaltrie. I saw him upon the march with the rebels, commanding the Farquharsons, as was generally understood, in December last, and he acted as the other rebel colonels did.

ALAN STEWART, No. 31.—I know the prisoner very well. I have often seen him marching along with the rebel army, particularly at

Inverness. He was then dressed in a short coat, with trouse made of tartan. Some days before the battle of Culloden I remember to have seen said Colonel Francis Farquharson with a big blue coat on, at the head of his own regiment, which was then drawn out with Ardshiel's regiment, and some of the Macleods, upon a plain about a mile from Inverness, and that they went through their exercise and were reviewed by the Pretender's son. - .

ROGER MACDONALD.—Before the battle of Falkirk, and during the time that Stirling Castle was besieged by the rebels, I remember that Colonel Farquharson's regiment of Foot was along with the rebels in the town of Stirling, and prisoner with it, dressed as aforesaid.

JAMES PATERSON, No. 13.—In the town of Stirling, whilst it was in possession of the rebels, a person was shewn to me as Colonel Francis Farquharson, Colonel of the Farquharsons. That the person so shewn was a tall man with a thin face, and dressed in highland habit, with a sword by his side. To the best of my remembrance he was at the head of the Farquharsons upon Culloden Moor, along with Captain John Farquharson, before the battle began.

JAMES ROSS, No. 20.—Col. Francis Farquharson had the command of one of Lord Lewis Gordon's battalions, but I never saw him at the head of his battalion.

Capt. CAMPBELL, No. 52.—During the time the rebels were at Edinburgh I saw Col. Farquharson several times armed, wearing a white cockade, but did not know that he had command of the Farquharsons.

JOHN COWIE.—I am a farrier, and live at Fochabers in the shire of Murray, and there I saw prisoner with a party of the rebels, and he was called and reputed Colonel of a regiment of Farquharsons in the rebel army, and was armed and dressed as aforesaid.

Capt. EYRE; Lieut. MOORE.—He told these gentlemen he was Colonel of a regiment of the Farquharsons.

EDWARD GIBSON.—I saw the prisoner with the rebel army at Auchinbowy House, near Stirling, and he was esteemed Colonel of the rebels, and was armed and dressed as aforesaid.

JOHN REACH.—I was servant to the prisoner, and he joined the rebels at Edinburgh with 30 men, and from thence went back to raise more. He was armed with sword and pistols, and wore a white cockade.

*[Information laid at Inverness. Withdrew his plea and pleaded guilty. Reprieved.]*

JAMES STEWART.

JAMES PATERSON, No. 23.—I have known the prisoner some years, and the first time I ever saw him along with the rebels was at Edinburgh, whilst that place was in their possession. After the battle of Prestonpans he was dressed in highland habit, and wore a broadsword and pistols. The next time I saw the prisoner was at the Links of Leith, where he commanded a party of the Duke of Perth's men for the execution of a man, who was shot on said Links for counterfeiting the Pretender's son's hand in granting protections, and robbing the country. That day the prisoner was in highland habit, on horseback. Saw him frequently afterwards at Edinburgh in highland dress, and the first night that the rebel army took possession of Carlisle, I saw prisoner within the castle gate talking with the rebel officer. I saw him frequently in England, marching at the head of a company in the Duke of Perth's regiment. Upon the retreat of the rebel army out of England, the prisoner marched along with them on foot. During the siege of the castle of Stirling, I saw him walking in the town along with the rebel officers. Saw him often in Inverness while it was in possession of the rebels, and upon the field of Culloden before the battle.

ANDREW ROBINSON, No. 16.—I saw defendant at Fochabers, before the battle of Culloden, along with the rebels in that town. The Duke of Perth's regiment, to which he belonged, lay at Speyside, and defendant at that time wore a white cockade in his bonnet.

Lieut. MOORE, Battereau's regiment.—I was one of five officers appointed by the Duke of Cumberland to take notice of the rebel prisoners, and the prisoner told me he was Major in the Duke of Perth's regiment. Upon the pursuit of the rebels after the battle of Culloden,

I saw prisoner taken by a party of the Duke of Kingston's horse, and remember that prisoner in that pursuit had his horse shot under him.

ROGER MACDONALD.—I have known the prisoner above seven years. That the first time I saw the prisoner with the rebels was the day after the battle of Prestonpans at Edinburgh, when it was in possession of the rebels, attending his master the Duke of Perth as usual. I saw him several times after that in highland clothes, armed with broadsword and pistols. He marched with the Duke of Perth's regiment, of which he was Major, to Derby—sometimes on horseback and sometimes on foot—always armed. I particularly saw him at Ashburn pass in review, before the Pretender's son, in the Duke of Perth's regiment. Saw him upon guard, of which he was captain, at Stirling, after the battle of Falkirk. He had to guard the prisoners taken by the rebels at Falkirk. In the march from Stirling towards Inverness I saw the prisoner at Elgin in Murray, before the Duke of Cumberland had passed the Spey. The prisoner went into the town of Elgin to bespeak quarters for the Duke of Perth's regiment, which came thither presently after that.

ALLAN STEWART, No. 24.—I know the prisoner very well. The first time I saw him was at Crieff, a long time before the rebels first went to Edinburgh. At that time there was only Ardshiel's regiment at Crieff, and the prisoner then was only servant to the Duke of Perth. After the Duke of Perth had raised his men the prisoner was called Major in his regiment. I saw the prisoner several times at Edinburgh with the rebels before the battle of Prestonpans, dressed in short coat and plush breeches, and wearing a bonnet. That the evening before the battle of Prestonpans, when the rebel army was drawn up upon a hill, I and the prisoner, James Stewart, and some others, went down to a coal pit to take a view of the King's troops. At that time, somebody observing the prisoner's side breeches pockets to be very bulky, took out a pistol from the prisoner's pocket. He thereupon produced out of his other pockets two small pistols, and two others of a larger size with double barrels. Prisoner at same time had a blunderbuss across his arm. I frequently saw him marching along with the rebels in England, and when the King's troops were advancing to the Spey prisoner marched at the head of the Duke of Perth's regiment through Elgin.

JOHN HAY, No. 50.—I often saw prisoner at Inverness as Major in Duke of Perth's regiment before the battle of Culloden.

Capt. CAMPBELL, No. 52.—Whilst Edinburgh was in possession of the rebels I often saw prisoner about Holyrood House, armed and in the highland dress. He appeared to be a very active man among the rebels. Saw him at Duddingston along with the Duke of Perth's regiment.

WALTER SCOTT, No. 51 ; ALEX. RUSSEL.—Testify as above, and say that in October, 1745, prisoner commanded a party of the rebels who were then going to Leith Links to shoot a man for giving protection and taking money therefor. Heard the prisoner give orders for so many of the red coats, as he called the King's soldiers, who had the misfortune to be taken at Prestonpans, to shoot the man before mentioned.

JAMES ROSS, No. 55 ; THOMAS ARMSTRONG ; HUGH ROSS ; JAMES PARKER ; DONALD FERGUSON ; DUNCAN MACDONALD.—These witnesses all declare that he was an officer in the Duke of Perth's regiment. That he was with the rebels in England, and also at Stirling, Falkirk, Elgin, Fochabers, and Inverness, dressed as aforesaid.

Capt. EYRE.—Prisoner told this gentleman that he was Major in the Duke of Perth's regiment.

WILLIAM CLARK ; ANDREW JOHNSTON ; JOHN FALKNER ; HENRY CHEAP ; FRANCIS CHALMERS ; Mr. CHAS. LESLIE ; WM. WILSON ; PATRICK DOUGLAS ; JOHN REACH ; THOS. GORDON.—These all testify as to the prisoner's presence with the rebels, as an officer in the Duke of Perth's regiment, and that he had been seen by some of them, armed and dressed as aforesaid, at Edinburgh, Duddingston, Penrith, Dalkeith, Glasgow, Clifton, Kendal, Lancaster, Derby, Carlisle, and Peebles, Perth, Stirling, Falkirk, Inverness, and Culloden.

JAMES HAY.

I, Louis Drummond, Earl of Melford, Colonel of Foot in his most Christian Majesty's service, Lieut.-Col. and Commandant of his Royal Scotch Regiment, prisoner of war to his Britannick Majesty at Penrith,

being principal officer of the aforesaid regiment, as well as of the French troops, prisoners of war, do by these presents declare and signify to Phillip Carteret Webb, Esq., his Britannick Majesty's Sollicitor for the Assizes, now held at Carlisle, in the county of Cumberland, the following particulars:—

1. That Mr. James Hay, whom you prosecute for high treason, is a Captain in the French service in the aforementioned regiment, that he served before the Cartel of Frankfort, of which I shall speak: that *he came into Great Britain with his colours, which he continually adhered to; that he surrendered himself prisoner of war, and not a State prisoner*, upon the public faith of a capitulation, granted to the French troops at Inverness by His Royal Highness the Duke of Cumberland. In fine, that he has been nominally reclaimed from his Britannick Majesty by two letters wrote to his Grace the Duke of Newcastle, Principal Secretary of State.

2. I declare and certify that the said James Hay, thus acknowledged and reclaimed, in an authentic manner, is no shape, subject or lyable to the laws of Great Britain for rebellion; and that in consequence of the two first articles of the Cartel hereunto annexed, signed by the Commissaries of both Kings at Frankfort, July 10th, 1743. It is there specified in proper terms that the prisoners taken on both sides, what kingdom soever they should be natives of, and in what place soever they should be taken, should be mutually exchanged without reservation or distinction. It's therefore evident that no objection can be made to Mr. Hay about the place of his nativity, or that wherein he was taken. It's apparent that the two articles which I have cited have been inserted in the Cartel with no other view than to prevent the inconveniences which attend Mr. Hay's present situation, a case which is not uncommon and could not fail to have happened in the course of a long war between both Crowns; as there be many subjects of his Britannick Majesty in some of our foreign regiments, as well as numbers of French subjects in the English and allied army. I may first instance General Legonier, who actually commands the English troops in Flanders, without mentioning such as had been taken at Fontenoy, and were exchanged without making any distinction. It can't be reasonably said that Mr. Hay's being taken in England or Great Britain excludes him from the benefit of the Cartel, which he would be otherwise entitled to, this is surely misstating both reason and justice, as it's expressly said in the

Cartel that the exchange of prisoners shall take place in all countries and be confined to no particular kingdom, and nobody can doubt but that a war between contending powers must at length terminate in either of their dominions. Thus the intention of both courts in forming the articles of the Cartel is plain and obvious, the reasons that induced them thereto are evident, the words are too clear to be wrested into a different interpretation, and the truth of the whole is confirmed by the French courts having strictly confirmed thereto. It can't be presumed that this Cartel was framed by the Generals without a sufficient authority from their masters, whereas all military conventions such as cartels, capitulations, contributions, &c., are deemed to flow from the will and authority of the Sovereign, without which it would be impossible to wage war. Besides, suppose the Cartel had been made only by the authority of the Generals, was it not afterwards ratified and confirmed by both crowns, who have openly and in the eyes of the world claimed and obtained its benefit, which no man in England can be a stranger to. Insomuch, that it ought to be regarded not only as a true treaty, but as the most public and authentic act of the law of nations.

It can be objected with as little reason that though it had been regarded as a true treaty, founded on the law of nations, yet it can't be valid before our tribunal, as it clashed with the laws of the realm. There is nobody, I presume, will pretend to say that the particular laws of countries will prevail before the law of nations, which makes them void in all the tribunals in the world. When a treaty is entered into, or an alliance made, with a foreign Prince, by an act founded on the law of nations, from that moment all the laws of a particular country opposite thereto become null. If this had not been the case, what possibility of reconciling articles where the laws and certain pretensions are diametrically opposite. Would not both nations in a little time be looked upon as barbarians and cannibals rather than as English and Frenchmen, and what would be said of the glory and generosity of either nation.

It may be objected that no act whatsoever, whether founded on the law of nations, or on the law of any particular country, can be valid but inasmuch as it's consistent with the formalities used in the establishment of the laws of this kingdom. But 'tis plain that that can be of weight but against such as knowingly and willingly have neglected those formalities, and not against those who neither could nor were charged to see them.

executed. For can one reasonably suppose that an act which was so punctually observed and complied with last year in France with regard to the English, should be this year deemed invalid in England with regard to the French officers, under a frivolous pretext that some customs or forms of law had not been attended to, or were neglected unknown to the French.

I can further add a multiplicity of reasons to show that such acts have been executed time out of mind in England and never before infringed, being deemed good in law. As for instance, a Cartel about the exchange of prisoners between Louis XIV. and William the Third relating to the Irish Brigade in the French service ; as also the famous capitulation of Limerick by which William the Third treated with the Irish who were in arms against him, though looked upon as his subjects : were not then these two acts deemed sufficient to annul the penal laws that were incurred, and why should not the Cartel of Frankfort have the same validity at this juncture.

In consideration of these reasons, having hereunto annexed a copy of the Cartel of Frankfort, which I own to be true, and which is too notorious by its execution till this day to be doubted of either by you, Mr. Solicitor General, or by the judges ; having also added the English translation of the articles in question which you will please to verify or get verified, I humbly pray and expressly require of you to cause all prosecution to cease on your part, as well as on that of the judges, now and hereafter against the said French officer, James Hay, in regard of the crime of high treason alleadged against him, inasmuch as the law can take no hold on him, nor can the judges submit him thereto without your being wanting in the respect due to his Britannick Majesty, who screens him from all law and prosecution in this affair by the injunction, confirmation, and execution of the aforesaid Cartel by his Britannick Majesty.

I most humbly pray of you and expressly require of you to communicate this present writing to the judges, and to require of them, as it is the duty of their office, to have a due deference to the contents of the Cartel which I have presented to you, attested upon oath to be true ; and consequently to discharge from Court and set at liberty the said James Hay, it not being justifiable by the Cartel either for them or you to proceed against him, and in case that they nor you should think



proper to agree to my present request and summons, I first declare, after having rendered his Britannick Majesty the profound respect due to a sovereign and the justice due to his wisdom, that I believe him not thoroughly informed, or that he may be ignorant of the merit of the said James Hay's cause, and that he is prosecuted contrary to his knowledge: I next protest in the name of his Most Christian Majesty, my master, against all your proceedings carried on or to be carried on against him as null and void of all validity, contrary to the respect due to his Britannick Majesty whose conventions with strangers are here directly violated, being contrary to the law of nations, which, by virtue of the Cartel, screens the said James Hay from the influence of the laws in the present case. In short, as derogatory to the glory and right of his Most Christian Majesty, my master, to whom it belongs to protect and exchange the said James Hay. Even by the consent of his Britannick Majesty by virtue of an act notoriously acknowledged and fulfilled to to this very day by the two crowned heads, I declare to you, Mr. Solicitor General, and the judges, and all others, that this present paper contains my juridical and public representations, requisitions, and protestations, and require that a due regard may be had to the same; being authorised hereto by the law of nations, as the interest of his said Most Christian Majesty, my master, is concerned therein, and my duty in quality of principal officer of the French Troops, prisoners of war to his Britannick Majesty, oblige me thereto. Given and signed at Penrith, this 22nd of September, 1746, in the presence of

L. DRUMMOND DE MELFORD.

JOHN MACDONALD.

L. CHR. GEORGHEGAN.

D'HORTORE DOUGLAS.

*Note.*—By my Lord Chief Baron Parker's letter to me, it appears that this matter never came under the consideration of the judges. The prisoner never proving a commission from the French King, or offering any evidence of the Cartel, so he was convicted.

XXXI.

MEMORIALS FOR THOMAS FORBESS OF ECHT, AND  
ANDREW HAY, YOUNGER OF RANNES.

A.

The Memorialist and his Ancestors, have possesst a considerable Estate in the County of Aberdeen for some Centurys, and as they very early distinguished themselves by their zeal for the Protestant Religion and Revolution Interest the Family sustained many losses and underwent many Hardships in the several disturbances that happened in the Country.

In the years 1715 and 1716 when there was an Attempt made to overturn the present Happy Establishment, the Memorialist was very Active in the Support of his Majesty's Government, and by the Expense he was put to at that Time, and the losses he Sustained by the Rebels he contracted Debts to a great extent, which Joyned to a considerable loss he sustained in the South Seas obliged him sometime thereafter to sell his Estate for the payment of his Creditors.

In yr 1715 about Chrismass the Memorialist was sent from Inverness to Aberdeen by Collodden and his Bror. the Lord President in order to raise money upon their Credit for the Service of the Government and in his way thither he was taken Prisoner by the Rebels and detained for about a month.

In November 1745 when the Rebels were in possession of Aberdeen and the greatest part of the North Country, the Memorialist thinking it for his Majesty's Service, went to Inverness and informed the Earl of Loudon and the Lord President of the State of the Country and on his return with despatches from them was taken Prisoner by a Rebel Party where he was detained for some time.

Upon the 21st December the Memorialist Joyned the Laird of Mcleod at Inverury, and was afterwards again made Prisoner by the Rebels in the Skirmish which happened at that place upon the 23rd of that moneth, and was carry'd about with them for many weeks till he found means to make his escape from them in the heights of Badenoch at the hazard of his life, after being rob'd of his cloath bag, money, watch, and everything he had about him.

The Memorialist after he was taken Prisoner at Inverury, was carry'd from thence to Stirling where he lay in Jayl till the rebels made a retreat, and then he was carry'd with them to Badenoch; as the weather was extremely bad and the Memorialist was obliged to walk on foot for the greatest part of the way, and at Night was obliged to ly in cold Prisons Churches Barns &c., he suffered very much in his health, and when he made his Escape was obliged to wander all night in ye hills. The Memorialist remained Prisoner from 23rd December till 9th february, and at this time the Memorialist was a man upwards of 60 years of age.

The many hardships which the Memorialist suffered; having Reduced him to very Straitining circumstances, application was made some years ago for a gift of certain Chaplane Dutys payable out of the Dioceses of Ross Caithness and Murray, which his Majesty was graciously pleased to grant to the Memorialist in the year 1736. But that Gift has hitherto proved ineffectual many of those Dutys having been long neglected to be levyd by the Crown or their Donator, so that it is now difficult to discover the Persons lyable in payment thereof; by which means the Produce of the Gift is Extremely Small, and has not hitherto repayd the Memorialist of the Expenses of obtaining and prosecuting it.

The Memorialist formerly made Application to the Ministry for Scotland to get something done for him, and the Persons then in Power were so good as to promise to procure him an appointment of £100 per Annum to be payd out of some Sure Fund, but that has never yet been obtained, so that the Memorialist is at present reduced to most pressing Necessitys and has nothing now to rely on, for the subsistance of himself and Family But the hopes that his Majesty shall be Graciously pleased to grant him Some Appointment for his Support.

B.

UNTO THE KING'S MOST EXCELLENT MAJESTY. The Humble  
petition of Andrew Hay younger of Rannes

*Sheweth,*

That your petitioner being a young man was unhappily induced in the latter end of October 1745 to join in the late Rebellion and is informed that on this Account he is excepted from your Majesties gracious Act of Indemnity.

That your petitioner begs Leave with great Humilty to represent that he had not the least Accession to any Hardship done to any of your Majesty's faithful Subjects, but on the Contrary used his Utmost Endeavours to prevent anything of that kind when it was in his power as many of them can, and the Petitioner is persuaded will testify when called upon.

That your Petitioner has since the month of Aprile 1746 lived in such a manner as not to give the least offence being determined to throw himself on your Majesties Clemency, that as a young man he might be at Liberty to follow his lawfull Business in his own Country rather as recurr to and become Dependent upon any Forreign Power.

That your Petitioner does not presume to mention these Circumstances as an Aleviation of his Guilt, but in order to move your Majesties' Compassion and being most heartly sorry for his Offence he most humbly Submitts himself to your Majesty's Royal Clemency, and imploring your Royal Mercy promises to live a grateful and Dutifull Subject.

And your Petitioner shall always pray, &c.

S<sup>d</sup>. ANDREW HAY.

XXXII.

CONCERNING HIGHLAND DEPREDACTIONS.

5th June, 1747.

Fort Augustus 8th August 1747.

*Lieut. Collonel Watson's Report to Major Genl. Blakeney, of Capt. McPherson's Additl. Company stationed at Tarland.*

After leaving Fort Augustus in order to Visit the Addl. Company of Lord John Murray's Regt. you thought proper to order to Tarland, on purpose to cover the Shires of Banff, Aberdeen, Mearns and Angus, from the Depredations of the Thieves of Rannoch, Lochaber and Glengary, I crossed the River Spey nigh Avimore and reconnoitered the several passes, thro' the Mountains leading from the above shires, to the Countries where the Thieves resort, and by the Remarkable Service already performed by that Company I am persuaded it will be no difficult matter to bridle those Thieves so as to prevent their carrying any plunder from the above Shires.

The Company was stationed according to the Route sent them of the 18th of June last.

Head Quarters at Tarland under the Command of Lieut. Forbes, who has detached as follows:—

A Corp<sup>l</sup>. and eight Men at Inchrory betwixt the head of the River Don and the River Avin.

A Corp<sup>l</sup>. and eight Men to Ribbalachlagan on the head of the River Garin, which two last Posts cover the Shires of Banff and Aberdeen.

A Serjeant and 12 Men at Dubrach on the head of the River Dee, the principal pass through which the Thieves carry the Plunder of the above Countries

A Serjt. and 8 Men to Glenclunie.

Four Men to Spittle of Glenmuick.

A Serjt. and 8 Men at Clova.

Which three posts cover the Shires of Angus and Mearns, and the Dubrach is central to the whole.

Lieut. Forbes acquainted me whilst the Posts were forming they recovered 43 head of Cattle from the Thieves of Rannoch, who were driving them from those Countries, and that nothing had been lost since their Arrival.

The Severall Posts are supplied with necessaries from the People of the Country except that of Inchrory, which one Grant, Factor in that place for the Duke of Gordon, told Lieut. Forbes was owing to the Country People refusing to furnish their proportion, which was found upon enquiry to be false, for one of them told Lieut. Forbes it had never been demanded, and that they were willing and ready to do everything in their power for the Accomodation of the Party, But they believed so much Service done the Country was a thing not very agreeable to that Gentleman. This behaviour of the Factor I represented to the Duke of Gordon, who assured me he would make a proper use of it, and told me how thankfull the Country was for the protection you had given them.

Some days after the Arrival of the Company at Tarland, One who had a property in those parts came to Lieut. Forbes, and after some conversation about the service they came upon, said, To what purpose trouble you yourself about four shires, Bamff and Aberdeen will be enough, Live and let Live and suffer the other two to take care of themselves.

I have taken the liberty to mention those two trifling circumstances to show the little pains taken by those, whose duty it is to discourage such bad practices.

*Advertisement published at Tarland by the Consent of the Gentlemen of the Country.*

Whereas Capt. Macpherson's Addl. Compv. of Lord John Murray's Regt., has detached from their Head Quarters at Tarland several parties to proper parts in the head of the Country, in order to prevent Depredations as much as possible.

This is therefore to give Notice to all concerned that whenever any Cattle are stolen, the Owners are immediately to acquaint that party of Soldiers that lye next them, and then to return and raise some of their Neighbours with all haste possible to take up the Track and follow till they meet the Soldiers, who have proper Orders to assist them, and that the Country People may know where to make their Application, the Different Stations occupied by the Company are as follows:—

Head Quarters at Tarland.

A Party at	.	.	.	.	Inchrory.
A Party at	.	.	.	.	Ribbalachlaggan.
A Party at	.	.	.	.	Dubrach.
A Party at	.	.	.	.	Glenclunie.
A Party at	.	.	.	.	Spittle of Glenmuick.
A Party at	.	.	.	.	Clova.

That notwithstanding the above disposition of this Company, the Country People are not to rest too secure, but to see their Cattle once in the 24 Hours, and in that space of time at farthest to acquaint the Soldiers after Cattle are amissing, otherwise they can have little chance of recovering them. That they must at the same time be very cautious of giving false Alarms to fatigue the Troops unnecessarily.

And whereas several loose Men are just now travelling thro' the Hills in Arms, it is hereby particularly recommended to all Gentlemen and others in the heads of the Counties of Bamff, Aberdeen, Mearns and Angus, that they would give strict orders to all their Tennants and Herds in Glens to give early intelligence to the Sergt. or Corp<sup>l</sup>. nearest them, of such loose Men, or any Stolen Cattle, and for their encouragement they are to receive half a Guinea reward for every Thief that shall be caught, and one shilling for every head of Cattle that shall be recovered in consequence of such information, and they are hereby assured their Names shall never be discovered, the Serjeants and Corporals having got the Strictest Orders to that purpose, and the reward will be punctually paid by the Officer commanding at Tarland, or by Invercauld, Abergeldie, or any other of the Gentlemen nearest, who will take their chance of recovering it from the Neighbourhood.

And on the other hand if any of the Country People or Herds in Glens, are discovered to have entertained, corresponded with, or harboured any such Men, or see Cattle and don't forthwith acquaint the Nearest

Command, such persons will themselves be taken up, imprisoned and prosecute according to Law, as harbourers, Aiders, and Abbetors of Thieves and disorderly Men.

A Copy of this to remain in the Session Clerk's hands of every Parish, that the Country People may have access when they please to know the Contents.

Tarland, 4th. July, 1747.

*Proposals offered to Major Genl. Blakeney for Covering that part of Inverness Shire lying South side of Murray firth, and the Shires of Murray, Bamff, Aberdeen, Mearns and Angus against the Depredations of the Highlanders of Rannoch, Lochaber, and Glengary.*

The Continual Depredations Committed upon those Shires, from the above mentioned parts of the Highlands, seems to be a Scheme Artfully contrived, to Nurse and encourage the barbarity and idleness of these people, and may be called the principal spring of Rebellion, and all the irregularities they are so remarkable for, who being protected and encouraged in their theft, being themselves under the power of their Chiefs, who can and will give them up to Justice, should they at any time refuse, to give all sort of obedience to their unlawfull commands, and this practice of Thieving is the sure and known Means of training up a number of people to the use of Arms, who on the least prospect of plunder are ready to join in any Rebellion or Tumult.

In order to correct this abuse it will be difficult Matter to bridle those parts of the Highlands, where the Thieves reside, and at the same time by a proper chain of Posts effectually secure the heads of those Shires opposed to their depredations.

In order to cover part of the Shire of Inverness and the Shire of Murray, it would be proper to Station a Company at Ruthven, and to Detatch as follows :—

To Braes of Strathnairn	. . . . .	1 Corp <sup>l</sup> . 6 Men.
Braes of Strathearn	: . . . .	1 Corp <sup>l</sup> . 6 Men.
Inverlaidnan	. . . . .	1 Corp <sup>l</sup> . 4 Men.
Glenbanchor	. . . . .	5 Men.
Garvimore	. . . . . 1 Serg <sup>t</sup> .	8 Men.
Glenfechy		
Dalwhinnie	. . . . . 1 Sub. 1 Serg <sup>t</sup> .	8 Men.



For the further Security of those Countries 'Tis proposed to continue the chain by Stationing a Company at Taybridge, and to Detatch as follows:—

To Dalnacardoch . . . . .	1 Sub.	1 Sergt.	9 Men.
Half-way 'twixt Blair and Do. . . . .	1 Corp <sup>l</sup> .	3 Men.	
Glenlyon . . . . .	1 Corp <sup>l</sup> .	6 Men.	
Teindrum in Broadalbine . . . . .	1 Sergt.	8 Men.	
Braes of Glenalmond . . . . .	1 Corp <sup>l</sup> .	6 Men.	

Which two Company's form the first Chain from the Braes of Strathnairn to the Braes of Glenalmond.

The heads of the Shires of Bamff, Aberdeen, Mearns and Angus, nearly join about the Sources of the Rivers Don and Dee, and are bounded on the North by the River Spey, and on the South by a Ridge of Mountains, which bending round the heads of those Countries, run northward and end at the head of Loch Inch about two Miles below Ruthven. If the heads of those Countries and the passes thro' the Mountains were guarded, it would be scarce practicable to carry any Cattle from these Shires, for which Service 'tis proposed to Station one Comp<sup>y</sup>. in Cargarff Castle near the head of the River Don, it belongs to Lord Bracco, is at present uninhabited, and would with a small charge be made a most convenient Barrack for a Company to Detatch as follows:—

To Inchrory . . . . .	1 Corp <sup>l</sup> .	6 Men.
Ribbalachlagan . . . . .	5 Men.	
Glenclunie . . . . .	4 Men.	
Glenmuick . . . . .	4 Men.	
Glenclova . . . . .	1 Corp <sup>l</sup> .	4 Men.
Dubrach . . . . .	1 Sergt. 1 Corp <sup>l</sup> .	12 Men.
Tarland . . . . .	1 Sergt.	10 Men.

By this Disposition the Thieves must cross two different Chains before they can carry their plunder into their own Country. The Company quartered at Cargarff and the two Companys posted at Ruthven and Taybridge, who can't miss being alarmed by the Country People, should they chance to pass the first chain formed by the Company at Cargarff.

One of Lord Loudon's Add<sup>l</sup>. Companys being compleated will be sufficient to guard Ross Shire. 'Tis proposed to Quarter a Company in Rannoch and Lochaber.

The Commanding Officers of these Comp<sup>ys</sup>. to send once every week patrolles from the Sev<sup>l</sup>. Posts most Contiguous to one another, who shall meet at such places of Rendezvous as they may think proper to appoint, Always observing to change the Day as well as the places of Rendezvous, that neither the Country People or their own Men may know their Route or the Day.

These precautions must greatly prevent Depredations from the Highlands, if the people give but timely Notice to the Posts when their Cattle are amissing.

If this Disposition is approved of for Cantoning the four above mentioned Companys during the season of driving Cattle in the Highlands, which is from the beginning of June (when the Cattle are able to travel) to the end of Christmass.

The Out Posts can have proper Cover erected for them at their several Stations, and be Supplied with all Manner of necessaries from the above Countys without putting the Governm<sup>t</sup>. to any charge.

The Thieves from Rannoch, Lochaber, and Glengary in driveing Cattle from the Counties of Angus, Mearns, Aberdeen and Bamff, usually take the following Routes. Those who Rob from the two first Counties drive their Plunder through the Glens of Clova, all along the Mountains South side of the River Dee, and must pass near Glenclunie or Glenshee, so as to fall into the Hills of Athole or the Forrest of Guiley, and in either of these Routes must afterwards cross the Chain betwixt Dalwhinnie and Dalnacardoch, unless alarmed and driven Northward towards Ruthven.

The Thieves in conveying their Plunder from Bamff and Aberdeenshires, if from the Country twixt Dee and Don, they must go through the Forrest and Mountains of Morvaine, then by Loch Bulg, and from thence to the Forrest of Guiley or Mountains of Marr, and so fall into the former Route.

Betwixt Don and Spey they must pass through the Mountains of Glenoughty and Glenavin, and afterwards fall into the Mountains of Abernethy, or further South take the Route formerly mentioned, but at any rate all the plunder from the four Shires, must pass betwixt Ruthven of Badenoch and Blair.

*Proposals from Lieutenant General Blakeney, Commanding His Majesty's Forces in North Britain, to the Gentlemen of the County of Aberdeen, Copies of which they'll please cause be transmitted to the Gentlemen of the Counties of Angus, Mearns, Bamff and Murray.*

Whereas the above Counties have formerly been at great Charges to prevent and hinder Devastations from the Highlands all which attempts have by experience hitherto proved ineffectual, and the Danger of late becoming greater than formerly, the Gentlemen of the County having made application to me for the Assistance of the Troops, I according to their Request Stationed a Company of Foot at Tarland, purposely to make trial how far it would answer the end proposed, And now find from Experience the Country can be effectually protected, by posting detachments of the Regular Troops in proper places; a service carefully attended to and duely asserted and encouraged by the Gentlemen of the Country, must be of the greatest benefit to those Counties and the Nation in general.

As the Troops to be employed for that purpose must be divided into Several small Parties and Stationed in such parts of the Country where they can't be accomodated with Quarters or Common Necessaries, which inconveniencies can't be remedied but by the assistance of the Country, and obliges me to make the following proposals to the Gentlemen, Viz<sup>t</sup>, 200 Men for the Protection of the above Counties, to be proportioned as follows :—

	Men.
Aberdeenshire . . . . .	60
Bamff and Murray . . . . .	60
Angus and Mearns . . . . .	80
	<hr/>
	200

Necessary Accomodations for the Sixty Men, in Aberdeenshire, are as follows :—

30 Bedsteads at 5s. each . . . . .	£7 10 0
60 pair of Blankets at 6s. each pair . . . . .	18 0 0
Pot and Pan to each Mess of 6 Men at 6s. each . . . . .	3 0 0
Salt for the Whole for one Season . . . . .	1 0 0

2 Wooden Bowls to each Mess at 8d. each .	£0	13	4
2 Dishes of Do. at 6d. each . . . . .	0	10	0
6 Plates of Do. at 3d. each . . . . .	0	15	0
10 Water Buckets at 1s. each . . . . .	0	10	0
10 pair of Tongs at 1s. each . . . . .	0	10	0
10 Iron Shovels at 18d. each . . . . .	0	15	0
10 Coal Boxes or Buckets for carrying out the Ashes at 1/6 each . . . . .	0	15	0
Supposed they get 10 Tables and 20 Forms from the Fort at Aberdeen . . . . .	0	0	0
	<hr/>		
	£33	18	4

The whole expence its proposed be paid by the County of Aberdeen for accomodating the above Sixty Men, and the Sum for purchasing the Particulars mentioned to be paid Lieut. Forbes of Lord John Murray's Regt., so that they may be provided against the first of May next upon his Receipt for which he'l be accountable to the Officer who may relieve him in order to indemnify the County of any further expence, except what's necessary for keeping them in repair which can't exceed £5 yearly.

Recommended to the other Counties they would provide the same necessaries in proportion to the Men alloted them.

'Tis recommended to the Gentlemen if they think proper, to give some premium or encouragement to the Soldiers proportioned to their Care and Diligence in performing their Duty, because the Service they are to be employed in is not only fatiguing but attended with extraordinary expence of Shoes, Stockings, &c.

Proposed the Parties be supplied with Meal Malt and Provisions at the Ordinary prices of the Country and Such Posts as may be stationed at a distance from any Village, may have their Meal and Malt carried to them, as they can have no conveniency of doing it themselves. All Posts to be furnished with firing.

It is also recommended the Gentlemen near those Posts where there may be no Cover already made, May furnish Wood, and Assist in making small Shieldings or Hutts for covering the Parties.

For the Satisfaction of the Country People, and that they may know where to apply for assistance, Copies to be printed of the Annexed

Advertisement and published at all the Parish Kirks of the Above Counties, and fixed upon the Church Doors.

I should be glad to know if the Gentlemen agree to the above proposals, and that they would acquaint me as soon as they can conveniently, being determined to give all possible assistance and encouragement for preserving the Quiet and property of the Country, and guarding them against such oppressive Depredations.

All which I hope to have the Honour of Reporting and laying before his Majesty.

*Copy of Lieut. Genl. Blakeney's Orders sent by Colo. Watson to Capt. Menzies of Lord John Murray's Addl. Companys.*

Sir,

I am commanded by Genl. Blakeney to acquaint you, that it's his Orders you send Patrolles from the several Posts of Glenlyon, Teindrum and Glenalmond, through the Adjacent Mountains and Passes, and to all such Places as you may have a probability of discovering Tracts, Stolen Cattle, or Vagabonds in Arms in the Mountains, and that each Station throughout the whole keep a Communication with the Stations nearest to it, without respect to the Companys they belong to, And as you have experience in this Service, the Genl. desires you'll concert with the officer at Rannoch in regulateing the Patrolles from that Detachment, and expects you'll leave no Step untaken, that can Contribute to the good of the Service, intended by the Several Posts for preventing Depredations, &c. The Detachment of yours at Dalnacardoch is to continue to Patrolle with those of Dalwhinnie and Dubrach as by the General's Orders from Inverness, and to keep a Communication as above at the same time, It's the General's Orders you acquaint the Officer commanding in Chief at Edinburgh of the Manner you propose sending those Patrolles so as to have the desired effect, and that you continue to transmitt a weekly report of all the Cattle Stolen in your District and from whom, or what Numbers you may hear have been drove by the Thieves from other Countries, through your part of the Chain, You are also to insert the Number retaken, and by what party, with all other extraordinaries, You'll communicate these Orders to Capt.

Campbell, and to the Officer commanding at Rannoch, whose Detachment lying more Contiguous to Taybridge than to Inverera is to report to you, which you'll insert and forward with your Own.

Orders to this purpose are sent to the Officers Commanding at Ruthven, Tarland and Rossshire.

I am,

Sir,

Your most humble Serv<sup>t</sup>.

D. W.

To Capt. Menzies  
of L<sup>d</sup>. John Murray's,  
Taybridge.

XXXIII.

MEMORIAL ANENT THE THIEVING AND DEPREDACTIONS  
IN THE HIGHLANDS OF SCOTLAND, AND THE  
COUNTRIES BORDERING THEREON (1747?).

It is very well known, not only to all the Scotch Members, in both Houses of Parliament, but to many Thousands of his Majesty's most loyal and dutyful Subjects (who daily feel the effects thereof), what miserable havock there is made by the barbarous thieving Highlanders, of but a few Countrys, upon all the rest of the more extensive and fertile parts thereof, and also in the whole Low Countries bordering thereon, by pillaging their Houses and Stealing and driving away their Horses and Black Cattle, without any the least Notice taken, or remedy applied by the Government for said grievance. The present great dissatisfaction, among such vast Numbers of People of all Ranks upon that Account (if allowed long to continue) would no doubt grow, into some disaffection to his Majesty's Person and Government.

It is obvious that there is none of his Majesty's Forces fit to be employed for remedying this insufferable evil, but Highlanders, who having their own Dress and language are the only people properest for the fatigue, of long and Night Marches through such rough and Uncouth Places, and can by their Intelligence (having the Irish Tongue) get these Thieves best ferreted out of their lurking Holes.

As there are at present no other Regular Forces in Scotland that are Highlanders, but the Five Recruiting Company's of Lord John Murray's and the Earl of Loudon's Reg<sup>ts</sup>., who are now said to be Augmented to 100 Men each, His Excellency Gen<sup>l</sup>. Blakeney, late Commander in Chief, of his great Wisdom and Prudence having maturely considered the

Urgent Necessity of giving some Curb to the present growing Wickedness, which he takes to be an insult upon the Government, and is like to terminate in the Devestation of a great part of the Country, made Trial of making sev<sup>l</sup>. Detachments this last Summer of small Partys out of the said Companies to the different dangerous Passes where Depredations used to be driven, which was found to be of great use, and his Excellency in consequence thereof has since laid down a Scheme how the whole Nation may be protected in the same Manner without putting the Government to any further Charges of New Levies, which is the occasion of the Subsequent part of this Memorial, as a Supplement in support of said laudable design and undertaking, and if followed furth in all appearance will make the same effectual to answer the so much desired end.

The General's Scheme is in so far approved by every Person, but in the Memorialists humble opinion, the same being only defensive against those Villanous Disturbers of the Peace and no wise offensive, it will never turn out to make a Sufficient (but only a palliating) Cure. It is just the same as Skining over a flesh wound while rottenness is at the Bone, the same will daily break out afresh, until the Wound be searched to the Bottom, and the Virulent Distemper be eaten out by Corrosives; As this is the State of an Human Body, it is the very same in the Body Politic; When such ingrained Villany and Wickedness by long habit is once so deeply rooted in the Hearts (as well as inclinations) of so Numerous a Set of People, there is an absolute necessity of making an offensive as well as Defensive War against them.

The few Villanous Countries that stand as Common Enemies to the rest of the Nation, and that commit those daily depredations (and who have been so time out of mind) are Roinach, Glenco, Lochaber, Glengary, Knoidart, Glenmoriston, and Glenavie and Laggan in Brae of Badenoch. It is humbly proposed by the Memorialist (there being a disarming Act already past) that the Wicked Possessors of these above named Countries be suddenly summoned and disarmed at first, before any of the rest of the Highlands; were it but for a few Months, that they may once perceive themselves distinguished for their Villany, they being the only Wicked Aggressors, and People that occasion the keeping up the Spirit and general use of Arms in all the Highlands of Scotland.

All the rest of the much more Numerous and honest Highland Countries with the other Low Countries bordering on them, are necessitate



to keep the use of some Arms (if they should sell their Cloaths to purchase them) in order to defend their Horses and Cattle from being plundered and driven away by the Possessors of the infamous Countries above mentioned.

If once these Countries specified were totally disarmed, as above proposed, under the penalty of hanging or at least Transportation of the Transgressors, it is humbly proposed (still under Correction of those of better knowledge) that there be an order from the Government, to all the Sheriffs and Justices in Scotland, to call for and take in Lists of all the Villanous and infamous People, that live by stealing and Robbery, and that have no Employments, or other Visible way of Subsistence, not only in these Thieving Countries, but in any other Countries in the Neighbourhood, and such Lists also to contain those who are Outhounders, Receipters, Retainers and Corresponders with these Villians, or receivers of Black Mail, and it ought to be recommended in the Advertisements sent by the Sheriffs, &c. That all his Majesty's good and faithful Subjects may be assistant in Collecting and making up said Lists.

After said Lists are made up let them all be cited at the several head Burghs of each Shire where they commonly resort, to compear against such particular Days before the proper Judges appointed, in order to give sufficient Bail for their future behaviour, and those who do not compear to be declared Fugitives, and the List of those so Fugitate immediately to be transmitted to the Commander in Chief, and sent by him to the Commanders of the several Garrisons throughout that part of the Kingdom, and more particularly to the Officers of the Recruiting Companies dispersed through the Highlands, in order to seize and apprehend all such of those Fugitives as lye in their Power or fall in their Way.

And further (if it consists with the Government's pleasure) that there be an order from the General, to the Captains or other Commanding Officers of the 5 Recruiting Companys of Lord John Murray's and Earl of Loudon's Reg<sup>ts</sup>., to Detatch a Serjeant, Corporal, and Ten Men, out of each Company (picked and chosen the fittest for the purpose), which in all will make Sixty Men to be commanded by such Officers and Subalterns as the Gen<sup>l</sup>. shall think proper, to be a flying Party either some times in whole or in parcels, at the direction of the Commanding Officer to go in Search of those Fugitives through all the places they commonly haunt or resort to in order to Seize them.

It is especially to be remarked that these Companies, being only appointed and left in Scotland for Recruiting their Several Regiments, that it seems to be absolutely fit as an Earnest of their Reward, for such fatiguing Expeditions that there be full assurance given to these Sixty Men, not to be draughted for Recruits neither sent abroad unless the whole Companies one or more were going altogether, otherwise they could never be thought sufficient to be trusted in executing so Important a piece of Service, if this was not done their precarious State without it would much discourage any faithful and hearty Actings in said Search. It is humbly thought that the Companies will be in no Strait as to that particular since there will be Ninety remaining in each, out of which to draught their Recruits.

This part of the proposal is the more Warmly pressed since it is from the Success, Activity and Diligence of said Flying Party, that the finishing Stroke must be given, to eradicate that Mortal Gangrene in the Common Wealth, and for their further encouragement that there be a Premium of £5 Sterling Money given to the Soldiers for every Fugitive that is taken, either Dead or Alive (what is meant by Dead) is in the Case of their being Shot or killed upon their making resistance, and such Premiums to be levied at the Direction of the Law, by Military Execution upon the Countries where they haunted and was found entertained and harboured, and that these Premiums be distribute at the discretion of the Genl. Commanding in Chief, who (after being rightly informed) will be best Judge of their different deservings.

It is hoped that His Excellency General Blakeney's Scheme in sending out Parties to all the dangerous Passes to defend the Countries, together with the using this offensive part Vigorously will effectually make an End, of the foresaid Villanous practice which will (by the consequence,) much redound to the benefit and happiness of the whole United Island.

It is the Memorialists opinion that it is a good presage of Success in this Noble undertaking that the Executive part will fall in the hands of so honourable and Worthy a Person, of so Established a Character as his Excellency Genl. Bland, who will (when instructed) perform the same with equal due respect to his Majesty and the Government their Honour and the Liberty and Property of his faithful Subjects.

# XXXIV.

## DESCRIPTION OF THE ROAD FROM AVIMORE TO ABERDEEN. July 9th, 1747.

Miles.....	Avimore.
6 .....	Cullncayll.
6 .....	Foord of Carnagavall on the River Aivn.
6 .....	Milntown of Clargue in Corgarff.
6 .....	New nigh the Kirk of Strathdon.
5 .....	Tarland in Cromarr.
3 .....	Charletown of Aboyne.
3 .....	Kincardin O'Neil.
5 .....	Banchorie.
12 .....	Aberdeen.
<hr/>	
Total	52

Culnacayll is a Village in the Country of Strathspey, South side the River, where the York Building Company had their Iron Works, The Road from thence to the Foord of Carnagavall, is through part of the Braes of Abernethy, and over a Hill called Crorskvie-lay, over which there might be a Road easily made, as the Hill is not steep.

Foord of Carnagavall is upon the River Avin in the Braes of Strathavin or Strathdon, belonging to the Duke of Gordon. Here live several Thieves, who correspond with those of the West Highlands, and do a deal of Meschief by the assistance and Information they give them. In this Country are the Hills and Glens of Binnavin, which are very extensive and convenient for Sheltering or concealing Stolen Cattle and Horses. This Foord is one of the passes thro' which they often drive their Plunder, and lyes three Miles north from Inchrory. The Road from

this place to Milntown of Clargue goes over a Hill called Leacht, which is not high, nor would it be difficult to carry the Road over it.

Milntown of Clargue lies near the Castle of Corgarff in the Braes of Strathdon, from thence the Road goes through an Inland Country to New, where there is a Bridge over the River Don.

New lyes a short Mile below the Kirk of Strathdon, on the North side of the River. The Road from thence to Tarland crosses several little Hills and a small River called Descry, where there is no Bridge.

Tarland is a Country Village in the middle of a plentiful Corn Country called Cromarr, belonging to the Earl of Aberdeen. The Road from this to Charletown is through a flatt Country.

Charletown of Aboyne is also a good Country Village belonging to the Earl of Aboyne, on the North of the River Dee, here it joins the Road from Castletown to Aberdeen, and goes by Kincardine O' Neil and Banchorie along the North side of the River Dee to Aberdeen.

# XXXV.

## DESCRIPTION OF THE HILLS, GLENS AND PASSES IN THE COUNTIES OF ABERDEEN, &c. July 9th, 1747.

A Description of the Chain formed by Capt. MacPherson's Additional Company of Lord John Murray's Regt. for the Protection of the Counties of Angus, Mearns, Aberdeen and Banff against Depredations from the Highlands.

At Glen Tilt in Glen Shee the farthest South Post . . . . .	" "	3
At Glen-Clunie north of that . . . . .	I "	7
At Dubrach in the head of Braemarr which is the principal out Station and Central to y <sup>e</sup> whole . . . . .	I "	10
At Ribbalachlagan on the head of the River Garin nigh Loch- builg, a Central Post betwixt the Heads of Dee and Don, North East of Dubrach . . . . .	" I	6
At Inchrory 3 Miles North from Ribbalachlagan in the Braes of Strathavin . . . . .	I "	9

Of these there are three Men detached to the Foord of Carnagavall three Miles Northward from Inchrory, which last Post lies farthest Northward.

The Party near Glentilt in Glenshee patrolle to Glen Tamuck and the Hills betwixt Glenshee and Glenclunie, and meet the Glenclunie Post on Carnvalg.

The Glenclunie Post patrolle to Glencallader, the Hills of Baddoch and Glen Ey, and meet with the Dubrach Post at Allanamhoir.

The Dubrach Post Patrolle through Glenbeg, Glenmore, Cornriogh, Fallar, Corryvrion, the Forrest of Gaulaig (where they meet a party of Capt. Mackay's Company) and through Glenguishich, Glendee, Glenlug,

and meet the Ribbalachlagan Party at Allanabium, they also patrolle the length of Glentilt to y<sup>e</sup> South.

The Ribbalachlagan Post, through Fallny, Lochnagowr, Lochnashien, Essie, Binnavordy, and meet with the Inchrory Post at Lochnagowr.

The Inchrory Party Patrolle through Elick, Caplich, Lagganamhearlich, Loch Avin, Glenbuilg, and Northward the length of the Foord of Carnagavall.

These are the Hills and passes through which the Soldiers have Patrolled twice or thrice a week, tho' not upon fixed days.

There is hereto Subjoined a Note of the Hills and Passes through which the Thieves drive such Cattle as they Steal from any of the above mentioned Counties.

When Cattle are Stolen from Angus or Mearns, or from any part of Aberdeenshire South of Dee, they generally come through the Hills betwixt, Glentinar, and Glesesk, Then through the Hills of Glenclova and Corryvooe and cross the Carnvalg betwixt Glenshee and Glenclunie, Next through the Baddoch, Glentatnick, Cornriogh, Glenbeg, Glenmore, and Glenfearnell (which are all betwixt Braemarr and Braes of Angus). Then crossing at Invergary they go through Binnbikrattich, But sometimes coming into the Baddoch they go through Glenmore, down by Fallar and cross at Dellchruinach and Pollturie, Or coming from the Baddoch betwixt Cornriogh and Altanamhoir, through the Dualtean and the Corryvroin, they go up Gaulaig and Boynag, then into the Hills of Badenoch, and must pass somewhere betwixt Dalnacardoch and Ruthven.

After they bring Cattle the length of the Braes of Clova, they sometimes turn through Glen Callader and Ballochbuee, and crossing Dee below Invercauld, pass through the Hills betwixt Invercauld and the Water of Gairden, then through Glenluy and Glenguissich, and at Stromwoldick, and then into the Hills of Badenoch, where they must after follow the Route above mentioned.

Sometimes when they drive Cattle from the Forrest of Birse and Glentinar to the South of Dee, they cross Dee at Tullich, Six miles above Aboyne, and then take the Route mentioned in the following Paragraph.

When Cattle are Stolen from any part of Aberdeenshire betwixt Dee and Don, they generally drive them through the Hills and Forrest of Morvine, and pass at Altnashein or Loch Builg near Ribbalachlagan,

betwixt Gairnside and Inchrory, then they go into Glenavin and Cross the River of Avin at Loch Avin, afterwards pass through the Braes of Glenfechy into the Hills of Badenoch, and then they must pass near Loch Cuaigh, Loch Garry, or Loch Erach, after which they can go into Rannoch, Lochaber or Glengary as they pleasé.

When Cattle are stolen from any part betwixt Don and Spey, they either take the Route mentioned in the preceeding paragraph, or if the Cattle are taken up near Spey, or from any part of Banffshire, they must come through the Forrest of the Blackwater and the Hills of Cabrach and Glenbucket, into the Hills of Glenoughty and Glenernan, from whence they must fall into the Route before mentioned through Glenavin or pass at Inchrory or the foord of Carnagavall, and from thence through Glenmore in Strathspey, where they may either go by the Braes of Glenfichie into the Hills of Badenoch, or pass the Spey at Dellnaverta a little below Invereshie, and then up the Hills on the North side of Spey, which Road the Glengary and Lochaber Thieves frequently take.

These are the Routes the Thieves usually take when they Steal Cattle from any of the above mentioned Countries, But the Trade is so much improved, and the Thieves are so cunning, and have so many faithfull Correspondents in the different Countries, even so far down as Buchan, that they change their Roads and alter the Measures just as they see cause or receive information of Danger.

When the Thieves who live in the Country are deprived of the Benefit of corresponding with their west Country Friends, they carry on a Smuggling Trade of their Own, by stealing one, two, or three Cattle at a Time, and these they convey from hand to hand, either to the South or North, or sometimes to Buchan, or the Low Country, and get Cattle or Horses in Exchange, and sometimes Slaughter them at home.

XXXVI.

PROPOSALS FOR CANTONING THE FIVE HIGHLAND  
ADDITIONAL COMPANY'S IN THE WESTERN ISLES,  
AND REMOTER PARTS OF THE HIGHLANDS.

Edinburgh, 14th December, 1747.

1 Comp <sup>y</sup> .	. . . . .	Isle of Skie.
100 Men, Bernera, to Detatch to	{	Knoidart. Moidart. Glenfinnan. Arisaig.
50 Men	. . . . .	{ Uist. Barra. Egg. Canna.
1 Comp <sup>y</sup> .	. . . . .	{ Glenmorison. Glengarry. Locharkaig. Glenroy. Glenspean. Glenco.
1 Do.	. . . . .	{ Ardnamurchan. Swynard. Morvine. Isle of Mull.



If this Disposition of the Five Additional Company's is approved, the following Advantages may arise.

As the above Countries are mostly inhabited by Roman Catholics, and people disaffected to his Majesty's Government, which with the Remoteness of their Situation, makes it very difficult to procure certain Intelligence of any Treasonable practices that may be carrying on amongst them.

'Tis humbly thought if Detachments were quartered there, commanded by Active and Trusty Officers, the Government might have an early and distinct account of any Treasonable practices that might be carrying on in those parts by Foreign or Domestic Enemies, and would not only overawe Sculking Rebels, and French Emissaries, but would effectually prevent the frequent Impositions of false Alarms, purposely hatched by the Invention of the disaffected, to support that Wicked Spirit among the Jacobite Party in this Country.

Knoidart, Moidart, Arisaig and Glenfinnan are almost Void of Cover or provisions, which makes it impracticable at present for any but Highlanders to subsist there.

'Tis therefore humbly proposed that the Detachment at Bernera, should be ordered to join their Company's at Fort Augustus, and 100 Highlanders, sent to Bernera, from which place proper Detachments may be made to Knoidart, Moidart, Arisaig, and Glenfinnan, being from Experience and the Many Bays and Landing Places on that Coast, the most to be suspected for landing Money, Arms, or French Emissaries.

Those Detachments may be relieved every fortnight, and supplied with necessaries from Bernera.

That Genl. Bland would order the following Officers to Edinburgh, to concert with and be informed of every particular, that may be necessary for Rendering their Service effectual, so that there may be no hindrance or difficulties Started when he shall judge proper to order them to this Cantonement.

Capt. Campbell at Inverara.

Capt. Menzies at Taybridge by Crief.

Lieut. Forbes at Tarland by Aberdeen.

Lieut. Campbell at Ruthven, and the Officer Commanding  
Sir Henry Monroe's Company in Ross-shire.

I humbly beg leave to make the following Observations.

As the Service proposed must entirely depend on the Spirit, Vigilance, and Activity of the Officers, I know from the Experience of those people, there's no consideration engages them more to one's Service than a seeming confidence and familiarity in recommending a diligent performance of their duty. And to explain to them what a favourable opportunity this is, for every Man to distinguish himself, and to assure them that whatever Merit they can plead, from faithfully discharging their Duty on this Service, shall be recommended by you in the Strongest Terms to his Majesty, mentioning each particular person, and recommending them for a Mark of his Royal Favour.

It will be absolutely necessary to shew them the necessity there is of having constant Patroles, from the several Stations through those Countries.

The Benefit reaped by Patroles since last Spring, from the Detachments to prevent Depredations, shews plainly their good effect.

How soon the posts are fixed the Commanding Officer at each station is to endeavour to ingratiate himself in the favours of some Person in his Neighbourhood, by giving him a Reward, or filling him Drunk with Whisky, as often as he may judge proper, which I'm confident is the only way to penetrate into the Secrets of these people.

The Officers Commanding Company's from the Reports made them will soon discover whether the good effects of this, will Balance the small Expence that may attend it.

As all Debursements on this Service will be punctually paid, 'Tis recommended to the Officers to shew all possible frugality.

All outposts to send weekly Reports to the Officers commanding Company's, those in the Isles excepted, who are to report as often as occasion offers, or the Emergency of the Services requires.

All officers commanding Company's on the Main land to send weekly reports, to you by Post, or Express, of the Patrolles sent, the Countries they went through, and mentioning all Extraordinary that shall happen.

As Capt. Campbell of Inveran will have the Comm<sup>d</sup>. of those Company's, 'Tis recommended to order him immediately to Edin<sup>r</sup>., to communicate this Scheme as he from his knowledge, of the Country, and Attachment to the Governm<sup>t</sup>. is the properest person to give the necessary Information, for rendering this intended Service effectual.

Before the Company's March from their present Quarters, each Man to be provided with 24 Rounds of Ammunition, which the Officers are to review frequently, to prevent its being embezled or lost from carelessness.

After it is agreed upon, what number of Men will be sufficient to be sent to each of the within mentioned places, those remaining may be disposed of, in Rannoch, Dalnacardoch, Dalwhinny, Ruthven and Garvimore, under the Comm<sup>d</sup>. of Ensign Campbell of Capt. Mackay's Company, he being a person particularly acquainted in those parts.

The post of Taybridge to be occupied from the Reg<sup>t</sup>. at Perth.

Decem<sup>r</sup>. 4<sup>th</sup>, 1747.

(Signed) DAVID WATSON.

[Lieut. Colonel, Fort Augustus.]

XXXVII.

HIGHLAND REPORTS, 1749-50.

REPORTS OF THE CAPTAINS ON THE DIFFERENT HIGHLAND POSTS.

Sent to Mr. FOX.

*1st Captain's Command.*

Capt. Corneille of Col. Herbert's Regiment.

Station. Head of Loch Arkeg.

Report. July 11th, 1749.

Those detachments from Bernara, are pretty well supplyd with Necessaries. Glenmorrisson, I have not yet heard from, which I imagine, is owing to the Rains we have had these two days past, The other parties do not Complain, I cannot say much in praise, of this situation, for the people in this part of the country are very poor, two or three Sheep, with as many Cows, is the richest man's stock, which they reserve for their own use, But I shall either send to fort William, or if possible nearer Hand for a Supply. The Country is at present very quiet, And from the talk of those few I have Spoken with, they seem pleas'd at their revolution, And I believe will gradually shake of that Servitude they shew'd to their Chiefs. The Cross ways from party to party are almost Impassable to our Men, tho as yet they have struggled through with Cheerfulness; I beg leave to observe that three or four days patrolling wears out a pair of shoes.

*2nd Captain's Command.*

Capt. Price of Col. Herbert's Regmt.

Under his Command, 1 sub. Lieut. Bruere.

Station. Lagan Ach = Adrom.

Report.

Meal wanting at several posts, and a Boat to carry it from Bernera.

A few Cattle stolen from Kelluahn.

*3rd Captain's Command.*

Capt. Hughes of Genl. Pulteney's Regt.

Station. Head of Loch Rannoch.

Report.

That some few Highlanders in different places make use of short kind of Trousers, different from the kilt, by which they mean to evade the Law.

*4th Captain's Command.*

Capt. Powell of Lord Ancram's Regt.

Station. Inversnade Barracks.

Report.

The Quarters very deficient, But His Grace the Duke of Montrose, has Order'd two Houses to be Built, for the 2 detachments, at Stronaclaker and Ackray, And likewise firing to be Cut for them. Two men apprehended, who had as we took it to be the Phillibeg, But they say it is only a woman's petticoat, tho the only difference, there is betwixt the Phillibeg and this dress is, that this is somewhat Longer, And not Split down before, But to me it seems a Plain evasion of the Act. I sent them to Major Colquhon who has admitted them to Bail, till he Consults some Lawyer.

*5th Captain's Command.*

Capt. Scot of Genl. Guises' Regmt.

Under his Command, 2 Sub. { Lieut. Moody.  
Lieut. Irvine.

Station. Bramaer Barracks.

Report.

The several Parties report, that all is quiet, and that they have not seen one Man in Arms or in the Highland Dress, since they were posted.

A Copy. Cha: Collier, aid de camp.

## REPORTS OF THE CAPTAINS ON THE DIFFERENT HIGHLAND POSTS

Sent to Mr. FOX. Aug<sup>st</sup>. 12, 1749.*1st Captain's Command.*

Capt. Corneille of Coll. Herbert's Regiment.

Under His Command, 4 Sub.

Station. Head of Loch Arkeg.

Report. July 8, 1749.

Since my Last Nothing Extraordinary has happen'd in my district, except one Duncan Cameron, sent prisoner from Glen Leogh, for stealing eight Cows, from Sr. Alex. Campbell of Argyshire, in the time of the Rebellion.

July 24.

Since my last Nothing has happen'd extraordinary under my Command, But a Continuation of Bad weather has detained these four days, the Meal and provisions at the other end of the Loch.

*2nd Captain's Command.*Capt. Price of Col. Herbert's Reg<sup>mt</sup>.

Under His Command, 1 Sub.

Station. Lagan Ach = Adrom.

Report. July 20, 1749.

Nothing extraordinary has happen'd.

Aug<sup>st</sup>. 3d.

Since my last Angus McDonald, an Inhabitant of this Place, Brought me a Warrant from a Justice of peace, at Inverness, for apprehending of Arch. Bain McCartney living near Leek Roy, for selling him a Horse that was stolen from Ruthven in Baddenoch, I gave him an Order to the Serjt. at Leek Roy to assist him who Brought him in prisoner this morning to me, I have sent him to Fort Augustus in Order to his being forwarded to Inverness where the Warrant directs.

*3rd Captain's Command.*Capt. Hughes of Gen<sup>l</sup>. Pulteney's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Head of Loch Rannoch.

Report. July 16th, 1749.

No extraordinaries have happen'd since Last Report.

July 20th.

Two Orderly Men with Reports from about Strathfillan, Apprehended two Highlanders in kilts, And were bringing them to Loch Rannoch, But in passing near a Village call'd Clifton, the Inhabitants mostly Women, got hold of one of the Soldiers, and the Prisoner made his escape. The other Soldier with the Man he had taken, got some Miles farther on his way, when the Inhabitants of another Village, assisted by two disbanded Highlanders, arm'd with sticks, rescued the other. The disbanded Soldiers were extremely abusive and Insolent, And threatened the Soldier very much (who had only his Side Arms) if ever he molested their Neighbours again, I thought Insults of this Nature were not to be pass'd over, for which reason I have sent a party Back, with the Orderly Men, who in their patrolling, have had opportunities, of knowing where the disbanded Highlanders, and those whom they had taken live, to endeavour to secure them all, And if they are successfull, I shall send them before Clark Millan at Perth, who I hope will punish them, for insulting the soldiers in the execution of their Duty.

From Major Crawford, Perth.

Augt. 7th, 1749.

The Detachment of Genl. Pulteney's Reg<sup>mt</sup>. in Rannoch sent in to this place, on friday Night five Highlanders, taken up for wearing the Highland Dress Contrary to Law; they were Carried next Morning before Mr. Richardson, one of the Sheriffs Depute for this County, who acquitted one, as having a Blue upper Coat, but the other four, were Committed to Goal, in terms of the Act of Parliament, Viz: one for wearing Trousers, And three for having Plaid upper Coats, They are Tenants to St. Robt. Menzies, and from the Parish of Fotherington.

*4th Captain's Command.*

Capt. Powell of Lord Ancram's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Inversnade Barracks.

Report. July 23, 1749.

Yesterday was sevensnight, I apprehended a fellow for wearing the kilt, But upon my examining him found that he was one of the Thieves of this Country, On which I immediately acquainted the duke of Montrose of it, His Grace Immediately sent one of His Gentlemen to this place who desires me, to keep the Man, untill a Warrant is obtained for his Committment to Stirling, they being determined to prosecute him. Lord Ancram has been at Inversnade and reports that a Boat is greatly Wanted, on Loman for the use of the Garrison, to send for provision and necessaries.

*5th Captain's Command.*

Capt. Scot of Genl. Guises' Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Bramaer Barracks.

Report. July 23, 1749.

Since my Last of the 9th Inst. nothing has happen'd and all is well.

Aug<sup>st</sup>. 4.

I have apprehended a Man for wearing the Plaid Contrary to Act of Parliament, he had not only a Plaid on, But had under it carrying a party colour'd great Coat, I immediately sent Him in that dress over to Invercald, who is a Justice of the Peace, and used to give orders for Quartering, of any parties that came here, Invercald told the Serg<sup>t</sup>. that he did not now act as a Justice of peace, nor had not done for some time past ; therefore desired him to go to some other Justice, As I cannot hear of any one in the Neighbourhood, I have sent the Man to Aberdeen, to be punished as the Law directs. The country people have good news, as they call it amongst them ; this fellow came past the Castle in his Plaid with all the assurance Imaginable. Since the 23d of July Nothing has happened at any of the out parties, and all is well.

*Note.*—The Ridiculous News amongst them is that the Pretender, is Landed, in Long Island with 20000 Men, which Spirits them up greatly.

A copy. Cha: Collier, aid de camp.

REPORTS OF THE CAPTAINS ON THE DIFFERENT HIGHLAND POSTS.

September 12th, 1749. Sent to Mr. FOX.

*1st Captain's Command.*

Capt. Corneille of Col. Herbert's Reg<sup>mt</sup>.

Under His Command, 4 Sub.



Station. Head of Loch Arkeg.

Report. Aug<sup>st</sup>. 6th, 1749.

Nothing has happened under my command since my last report.

Aug<sup>st</sup>. 21. Glenleogh.

Nothing extraordinary has happened in my district since my Last, I left a Command of Six Men at Loch Arkeg and moved to this station for the conveniency of provision and meal, which could come no longer at Arkeg on account of the waters, having left what Meal I had with the party there, which with Mangment may serve them four weeks, I hope you will approve this alteration as intended for the better.

*2nd Captain's Command.*

Capt. Price of Col. Herbert's Reg<sup>mt</sup>.

Under His Command, 1 Sub.

Station. Lagan Ach: Adrom.

Report. Aug<sup>t</sup>. 17th, 1749.

. . . . . I received Capt. Collier's letter and shall do my utmost endeavour to comply with H.R.H.'s Orders. I have been conversing with the Gentlemen, and principal Taxmen in this part of the Country, who in General think Our Soldiers, as able to do this Duty, as the Highland Companies, And say that now they expect Justice done them, which they did not get from the Highlanders, who had a Number of Relations, and Friends, And shew'd a great deal of partiality, when in pursuit of Cattle, And for my own part think them as able to do the Duty as they were, being now accustomed to it, But at first did not relish it. The Man that I reported to you, that I had sent to Inverness Tolbooth for stealing a Mare is now out upon Bail, and By what I can learn is not to be tryed, having paid some Money more than the Value of the Mare, it being a common practice amongst them, which is encouraging of Theft, And till there is a Stop put to these pernicious practices And a few of them hanged at the Government's expence, they not being able to carry on a prosecution, there never will be a stop put to Thieving.

The Serj<sup>t</sup>. at Glencoe reports that on Sunday the 7 Inst. as two of his party were going with his report to the Corp<sup>l</sup>. at Loch Leven, they saw Duncan Cameron of Kinlochbegg wearing a Highland Plaid And when

he saw the soldiers he gave the Plaid to his Servant Maid and made of as fast as he could, the men persued him But could not overtake him, so returned Back and took the Plaid from his Servant, the Serjt. has been in search of him two or three times, but to no purpose, as he is a Man of some fortune And was in the late Rebellion, think him a proper person to make him an example of, so have sent a description of Him to all the parties, and Don't Doubt but I shall soon have him prisoner.

Sept. 1. Lagan Ach = Adrom.

On the 19th of Last Month two Horses were stolen from this place and on the 22d I got Intelligence that they were drove over the Hills towards Gorvy More, as I was well acquainted with those Hills took four Men with me, And found the Horses tied up on a very high one, but could not get any Intelligence who it was that stole them, I brought the Horses back, deliver'd them to ye owners, the Thieves had cut their Tails of.

Inclos'd have sent you a letter I received from Lieut. Bruere, And am told by the Country people that Keapoch is a pass of Much greater importance than Bohuntire, And am likewise told that Lady Keapoch did not like the sight of the read Coats as her Husband was kill'd by them so got sombody to misrepresent it to you, nothing else extraordinary has happened since my Last.

*3rd Captain's Command.*

Capt. Hughes of G<sup>l</sup>. Pulteney's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Head of Loch Rannoch.

Report. August 12th, 1749.

Since last report, the Patroles took up in the Neighbourhood of Rannoch, Duncan McGregor, Donald M<sup>e</sup>gregor, Donald McGregor, John Cameron, Alex. Robinson and John Cameron, I sent them to Perth, and four of them were committed for wearing cloaths contrary to Act of Parliament.

This week the patroles between here and Killin took up Ten men, some of them dress'd in Tartan Trowyes and petticoats, short coats and shoulder straps and one Man Compleatly Dress in Tartan Cloaths and Trowyer, But Mr. Campbell the Sheriff Depute, at that place dismissed

them all. We also recovered the two Men, who had been rescued at Clifton in Kilts, without any alteration in their Dress, than Just Sewing the Kilt close before, in that manner they were sent before Mr. Campbell who also dismiss'd them, tho the Soldiers offer'd to Swear they were open when first apprehended, The two disbanded Highlanders have absconded ever since, I must be oblig'd to send my Prisoners for the future to Perth, as that Gentleman seems Resolved to commit none of them.

Sept. 1st, 1749.

Last week a party of Highlanders Compleatly Arm'd were seen at Killycranky, they either had been or were going in pursuit of plunder, six was the number I was informed of, though I hear they belonged to a party much more Considerable, three or four days past before the Intellegence came to me which rendered the pursuit the more difficult, I immediately sent out a serj<sup>t</sup>. and eight men in quest of them and intended to have march'd of with the remainder of my Party if he found any probability of coming up with them, But all the Intellegence he could get was that they had seperated. He followed some of them to the neighbourhood of Aberfeldie, but could trace them no further, the Inhabitants being afraid or resolute not to make any discovery.

. . . . . As I heard the people about Killin continued to wear the Trowzers I before reported and being sensible it was to no purpose to send them before the Deputy Sheriff: I ordered the Corp<sup>l</sup>. who commanded there, to send me any Prisoners he should make, as I intended to try if some other Magistrates would not suppress that Dress. The Corp<sup>l</sup>. accordingly took up two and was conducting them to me, when the Sheriff came up to him, And before a Mob that was gathered peremptorily ordered the Soldiers at their Peril to dismiss them immediately, or he would that Instant Order them all to prison, at the same time abusing them greatly, for Molesting people in a Dress he thought proper to tolerate. He likewise told them in the hearing of the Mob, that if they continued to apprehend the Inhabitants, they were to expect whatever usage their resentment might Suggest to them; I don't Doubt but the Country people will look upon that as a Tacit approbation of any Violence they will think proper to offer, And two of the Soldiers who have been particularly active have been already threaten'd to be Murdered if they don't desist. The Soldiers who were a little Terrified with the threats of prison, And meeting with same Usage, their Comrades did

before, gave up their prisoners, the people insult and Triumph, And while their Sheriff protects them, make a Jest of a Military power, all the other parts of the hills, very readily conform to the Lowland Dress.

*4th Captain's Command.*

Capt. Powell of Lord Ancram's Regmt.

Under His Command, 2 Sub.

Station. Inversnaid Barracks.

Report. Augt. 30, 1749.

Yesterday I received an Account from the Detach'd Sergt. (from this Garrison) at Achray, that on friday last, 5 Horses were stole from the near from Dugal Graham, And that on the Monday following, the owner of the Horses apply'd for a party to pursue the Thieves, which was Immediately Granted, But as it was too Late to pursue the Tract of the Horses, by the desire of the owner they return'd to their post the same Night. He likewise informs me that on Sunday last a person was seen (within a Mile of his Command) Dress'd in the Highland Dress, Arm'd with a firelock, pistol and Durk and Broad sword; The Serjt. in this information, (which he did not get untill Monday,) went out with a party in the Night to the several passes but found all very quiet.

*5th Captain's Command.*

Capt. Scot of Genl. Guises' Regmt.

Under His Command, 2 Sub.

Station. Breamar Castle.

Report. Augt. 10th, 1749.

In my last report of the 4t Instant, I mentioned to you that I had taken up a Man for wearing the Plaid and had sent him to Aberdeen, as Mr. Farquson of Inver Cald did not act as a Justice of the Peace. The Sergt. who went with the Prisoner is now return'd, and informs me that he carry'd the prisoner before the Sheriff of the County, with his plaid on as first taken. The Sheriff said in the prisoner's behalf, that it was only a Dyed Blanket, and not a Plaid, the Sergt. ask'd the Sheriff if the people might wear their Plaids if Dyed, the Sheriff told the Sergt., that

the intent of the Act of parliament, was not to oppress the poor and dismiss'd the prisoner, notwithstanding the Sheriff's Judgment, I shall take up all persons that I find wearing those Dy'd Blanketts as the Sheriff is pleas'd to call them.

Augt. 20th.

Since my last I have taken up and sent to Aberdeen another Highlander, for having a Plaid of different colours, which I think the Sheriff cannot well call a Blanket, as he was pleased to call the other.

*Col. Watson's Report from the Highlands, dated August 24, from  
Coulnacaille.*

As I have seen most of the Highland posts south side the Chain and everywhere enquired as to the Effects of those Detachments I am sure it will be most agreeable to you to hear that their services hitherto has greatly surpass'd what I once thought well possible, Not the least stealing and the natives Complying with Change of Dress, more exactly than could have been expected.

Augt. 28.

After my last letter from Coulnaill I visited the Country betwixt the north side of Spay and Murry ferth to see what passes were left unguarded in the Head of Murry, whilst I was upon this route, I received the following Intelligence y<sup>t</sup> on the 22d Inst. three Highlanders in Kelted Plaids and with side arms drove from Dunfaile in Brea Murry twelve Cowes and three Horses the Contry (men?) after following their Cattle 2 days recovered them within half a mile of Carrybragh, But the Thieves escap'd.

As there is no party in the long tract of Country betwixt Ruthven and Badenoch and Ruthven in Strathenik its absolutely necessary to have a Detachment of a Corpl. and 4 Men from Inverness at a place call'd Ellan about three miles from Carrybrough which party I am hopefull will effectually protect the Country.

*Note.*—The party of a Corpl. and 4 men mentioned by C. Watson to be att Ellan is order'd.

A Copy. Chas: Collier, Aid-de-Camp.

## REPORTS OF THE CAPTAINS ON THE DIFFERENT HIGHLAND POSTS.

October the 12, 1749. Sent to Mr. FOX.

*1st Captain's Command.*

Capt. Corneille of Col. Herbert's Regiment.

Under his Command, 4 Sub.

Station. Glen Luy.

Report. Sept. 4, 1749.

Since my last nothing has happened in my district as to Thieving, but some men were taken prisoners, by the Moving parties for wearing the Highland dress, two of the name of McDonald Servants to McDonald of Greenfield are sent prisoners to fort Augustus, one Duncan McCloud living in Glenelg is for the same sent prisoner to Bernera, and Angus Cameron a servant to Cameron of Glen Nevis at Fort William. No other extraordinary.

Sept. 18.

In the Neighbourhood of my Command, nothing extraordinary since my last. The Communication to the district posts, have been interrupted this fortnight past by the greatness of the Waters, everything in my district is quiet and the Country as yet, have conformed entirely to the Laws.

*2nd Captain's Command.*

Capt. Price of Col. Herbert's Regiment.

Under His Command, 1 Sub.

Station. Lagan Ach: Adrom.

Report.

Nothing extraordinary since Last Report, only 17 Goats recover'd that were stolen from Hugh Frazer of Glen Do.

*3rd Captain's Command.*

Capt. Hughes of Genl. Pulteney's Regiment.

Under his Command, 2 Sub.

Station. Head of Loch Rannoch.

Report. Sept. 20, 1749.

We have had Intelligence that three of those thieves who appeared at Killycranky are gone towards the Braes of Angus, I have upon that sent to all the posts upon the North road, to patrol frequently till further Orders, through all the passes where Cattle may be drove, that leads from that Country. I have been this week at Killin where everything now is quiet, I hope upstart Dresses, are prohibited, and everything is Conformable to Law.

Oct<sup>r</sup>. 1, 1749.

The Patroles of Killin took up one Duncan Campbell, the 22d day of September, for wearing Tartan Cloaths, and he is Confined in the prison of Killin.

On Sunday night Last, the three men whom I reported to have gone north in arms, made an attack upon some Droveres at the Bridge of Tumble who were going to the fair at Crieff, and took from them six Cows, the owners omitted tracking their Cattle, and went on with the remainder, I sent out Patroles different ways, as soon as I knew what had happened, on thursday morning one of the patroles saw the thieves at a little Distance, who had disposed of their Plunder and pursued them a considerable way, but the Highlanders being lighter arm'd and Dress'd maintained the advantage they had at first setting out, and by favour of a Large Wood made their escape, and all future search was fruitless, The Thieves ran amongst a number of the Country people who were employed at their Harvest but they would give no assistance in stopping them.

*4th Captain's Command.*

Capt. Powell of Lord Ancram's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Inversnade Barracks.

Report.

Nothing Extraordinary since the last.

*5th Captain's Command.*

Capt. Scott of Gen<sup>l</sup>. Guise's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Breamar Barracks.

Report. Sept. 16, 1749.

I have received all the reports from the out parties, and all is well with them and here, only we had a Race after a Highlander who appear'd in Highland Dress and compleatly armèd he fairly outrun all the party, and as he was going into a wood, we fired upon him, but miss'd him, but I Imagine we shall see him no more in that dress.

Octr. 1.

The Serjt. of the party at Dubrach has been Missing ever since Thursday morning, I am much afraid that the poor man is murdered, as he was very Active in his Duty, and two days before that he was in pursuit of 4 men, which appear'd in arms and in the Highland Garb which I suppose to be thieves ; I have sent another Serjt. in his room and two men to reenforce that party, and have given the serjt. Orders, to search all that Country for the serjt. missing, by the next opportunity shall acquaint you of the success.

There has been no Cattle reported to me, on any of my out parties to have been stolen as yet.

A Copy. Chas: Collier, Aid de Camp.

THE REPORT OF THE CAPTAINS ON THE DIFFERENT HIGHLAND  
POSTS. Novem. 14, 1749. Being the last this year.

*1st Captain's Command.*

Captain Corneille of Col. Herbert's.

Under His Command, 4 Sub.

Station. Glen Ley.

Report. Octr. 16, 1749.

That part of the Country in my district, seem hitherto to have Conform'd to the Laws, none appearing in any part in the Highland Dress ; And as to thieving it seems entirely to be abolish'd from amongst them, but whether owing to their Natural disposition or our situation amongst them, I cannot determine, but am inclined to believe the latter has the greatest sway ; But the Bad weather is now approaching, when it will be out of their power to exert themselves that way, and I shall use my best endeavours, to prevent any attempts of that kind.



Oct. 29.

Nothing extraordinary has happened within the limits of my Command, the situation of the Troops, has prevented thieving, in this part of the Highlands, as the best in this Country acknowledge, I have received your order and the Route for Marching on the 10 of November next, The Command at Strath Cluny was removed according to your orders to Kintail, one man of that party was lost crossing the waters nothing more extraordinary.

*2nd Captain's Command.*

Capt. Price of Col. Herbert's Reg<sup>mt</sup>.

Under His Command, 1 Sub.

Station. Lagan Ach = Adrom.

Report.

Nothing has occur'd since my last.

*3rd Captain's Command.*

Capt. Hughes of Genl. Pulteney's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Head of Loch Rannoch.

Report. Oct. 15, 1749.

On the fifth of this month, Duncan Campbell and His Son inhabitants of Glen falloch, were apprehended in Highland Cloaths by the moving Patrole and are Confined in the Toll Booth of Killin.

Oct. 23.

The party at Killin took up the 15 of this month in the Braes of Balquhider, one Duncan McGregor for Horse stealing, the horse is return'd to the owner, and the Thief Confined at Killin. A Soldier of Col. Herbert's Regiment belonging to the party at Garvimore, was drown'd this week, in Crossing the Spey.

*4th Captain's Command.*

Capt. Phillips of Lord Ancram's Reg<sup>t</sup>.

Under His Command, 2 Sub.

Station. Inversnade Barracks.

Report.

I am to inform you that I have had no Intelligence of any Thefts Committed in the Country since Capt. Powell's Last report.

The people in this Country have all Conform'd to the Act of Parliament in Laying aside the Highland Dress.

*Note.*—Some time ago Capt. Powell was taken so ill that he desired to be relieved.

*5th Captain's Command.*

Capt. Scot of Genl. Guise's Regiment.

Under His Command, 2 Sub.

Station. Braemar Barracks.

Report. Oct. 4, 1749.

In my last of the 1. Instant I mentioned, that the Serjeant of the Party at Dubrach had been missing since the 28 of September, I have had a servant and ten men in search for him, but can hear nothing of him, my reasons for suspecting that the Serjeant is Murder'd are as he was very alert and Diligent in his Duty, and that morning he went up to the Mountains for his diversion, a Country Boy heard three Guns go off, immediately after, the Serj<sup>t</sup>. they tell me, was so imprudent as to always have his Money about him, and to shew it upon all occasions, he has left all his Linnen and a silver Hilted sword behind him, which in my opinion is plain that he is not deserted.

Oct. 23.

I have taken up and sent to Aberdeen two Highlanders, one for wearing a party Colour'd Great Coat, the other for wearing the Plaid, And Lieut. Moody at Corgarf, has taken up four Highlanders, and is to send them to aberdeen to Morrow.

Oct. 30.

No Cattle has been reported to have been stolen, since we came into this Country.

As there has been a great deal of snow, it is impossible for the Moving patroles to go their rounds.

A Copy. Cha: Collier, Aid-de-Camp.

SINCE the Highland posts were Call'd of, the Reports of Capt. Clarke of the welsh Fusileers who reliev'd Capt. Scot at Braemar Castle.

Novem: 22, 1749.

*Braemar Castle.*

At the Earl of Aberdeen's request / a fair being to be held at Tarland and it being Genl. attended with Riotous people to the great disturbance of the Market; I caus'd a Serj<sup>ts</sup>. Command to prevent what might probably ensue, it had its desired Effect, and for which I had His Lordship's thanks, it being a fair for Cattle, I took the advantage, and sent some men in order to drive what Cattle we might get home, the Cattle we Bought there together with what we got here are in all thirty six. Invercald desired me to report, that it would be of great advantage to the Garrison, to have the ground enclos'd, as it would prevent any disputes between the Country people and us. The whole Rooms of the Garrison smoke to that degree, that we can scarce see one another.

To Aid-de-Camp.

(Sign'd) ESME CLARKE.

December 6, 1749.

*Braemar Castle.*

Sr.—I received a Letter by Genl. Churchill's Order purporting I was to accomodate, the Men in the best manner I could, I have accordingly done so, as also a room the most Convenient, for the Barrack Master and His Stores.

Nothing extraordinary has happen'd in the Garrison of Brae Mar or Corgarff, save only a Corpl. and Eight Men conducted two fellows for stealing their Neighbour Cattle to aberdeen.

To Aid-de-Camp.

(Sign) ESME CLARKE.

Jan. 3d., 1749/50.

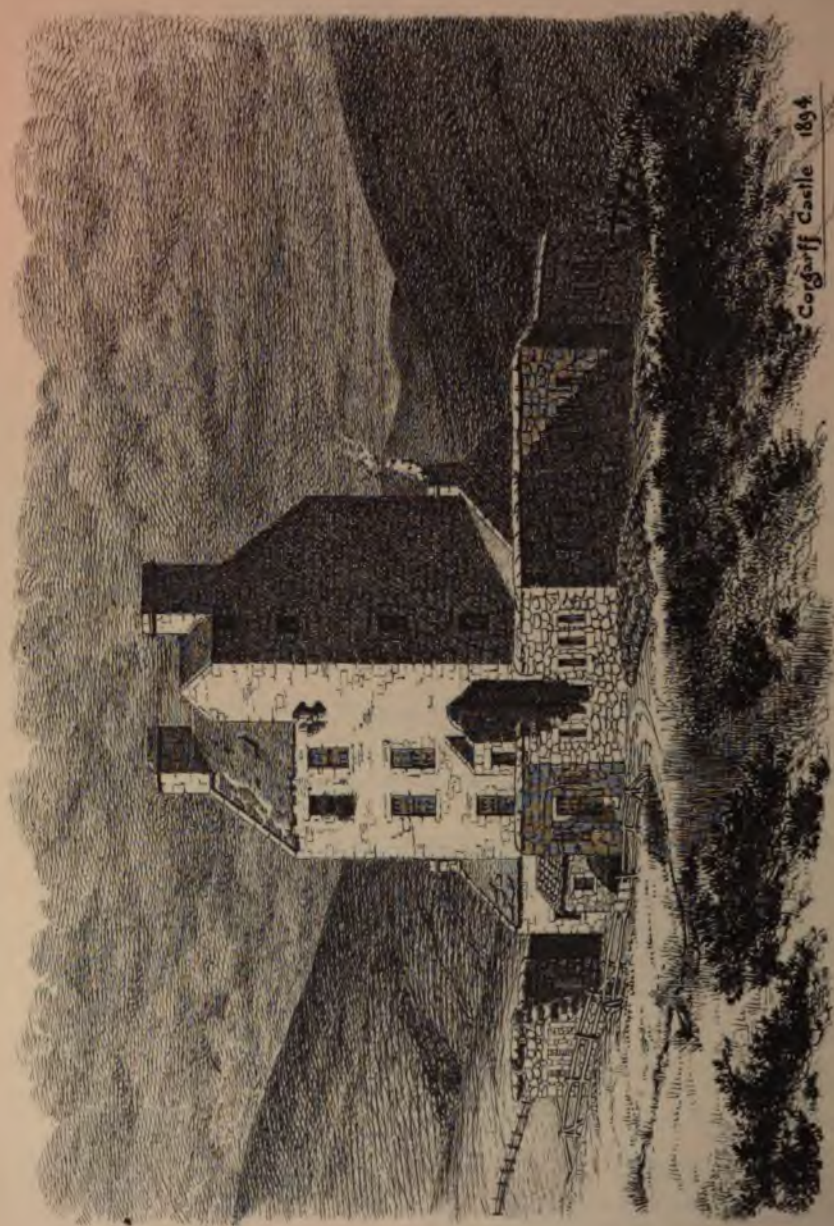
*Report of Braemar and Corgarff Castles.*

The Detachment at Braemar well. At Corgarff four Men sick.

To Aid-de-Camp.

(Sign'd) ESME CLARKE.





Corgarff Castle 1894





Jan: 15, 1749/50.

*Report of Brae Mar and Corgarf.*

All's well in every respect.

To Aid-de-Camp.

(Sign'd) ESME CLARKE.

Jan: 29, 1749/50.

*Report from Inversnade Barracks.*

I have never heard of any depredations, or thefts which have been Committed in this Neighbourhood since I came here, and I shall according to your Order send you a report of this Quarter every fortnight.

(Sign'd) RICHARD PHILLIPS.

Feb. 5, 1749/50.

*Report from Inversnade.*

Sr.—As the firing I mean the peats, layd up for the use of this Barrack, has of late turn'd so Bad, that it's impossible for the Soldiers, to dress their Meat which they have made their case known to me, I hope your Excellenc will give Orders so as this may be remedied, by having Coals from Glasgow, or wood bought up in this Neighbourhood, for my owne part I can assure you, I have not had a fire this two days, since my last nothing extraordinary has happen'd in this Quarter and am &

(Sign'd) RICHARD PHILLIPS.

P.S.—Major Lesley's agent has been acquainted by the Barrack Master of the Badness of the firing.

Feb. 16, 1749/50.

*Report from Inversnade.*

Sr.—The Soldiers having frequently occasion to cross Loch Loman, they find it extremely inconvenient, as well as expensive, to hire Boats for that purpose, I therefore apprehend it would be requisite for His Majesty's Service, that there should be one belonging to the Detachment, as the officer commanding could then in case of emergency send across



the Loch, which he cannot so well do now, the Boat being the property of a private person. I must beg leave Sir, to represent to you the necessity there is of having Peat Houses, to shelter the Turf stacks from the Heavy rains, which fall incessantly, and render them almost useless to the soldiers.

I am &c.

(Sign'd) PETER DESBRISAY.

Feb. 28, 1749/50.

*Report from Braemar and Corgarf.*

Nothing extraordinary has happen'd since my Last, save only I seiz'd a Durk from one John Michy, Forrester to Lord Brachet, in other respects alls well.

I am &c.

To Aid-de-Camp.

(Sign'd) ESME CLARKE.

March 2, 1749/50.

*Report from Inversnade.*

Sr.—Since my last nothing extraordinary has Happen'd on this Detachment.

I am &c.

(Sign'd) P. DESBRISAY.

March 10, 1749/50.

*Report from Inversnade.*

Nothing extraordinary has happen'd since my last. I am &c.

(Sign'd) PETER DESBRISAY.

March 11, 1749/50.

*Report of Braemar and Corgarf.*

As nothing hath happen'd since my last I may venture to say all's well.

I am &c.

To Aid-de-Camp.

(Sign'd) ESME CLARKE.

March 11, 1749/50.

*Report of Braemar and Corgarff.*

In Obedience to Orders I transmitt to you, I never received any Orders from Capt. Scot of Genl. Churchill's of the 31 of Jany: 1748/9. And likewise Lieut. Leslie the same.

In regard to the Rooms appointed for the Barrack Master, I had Genl. Churchill's Orders Dated the 23 of Novem: last, that I was to accommodate my men in the best manner possible, and to let the Barrack Master, have a Room for himself and stores, that I could the most conveniently spare, which I accordingly did and reported it to the Genl. the Barrack Master had at the same time, a letter signifying I had an Order for that purpose, sign'd Jam<sup>s</sup> Stewart ass<sup>t</sup>. to the Q<sup>r</sup>. Mr. General. Lieut. Leslie informs me, there is a small Room, for the Barrack Master of that Garrison, Built by one Misset, but by whose Order he can't tell, in other respects all's well. I am &c.

To Aid-de-Camp.

(Sign'd) ESME CLARKE.

March 6, 1749/50.

*Report from Inversnade.*

Sr.—Agreable to your Orders I have enquired into the Number of Rooms, that are at present made use of by the Barrack Master, as well for his own use, as for that of the Stores, which I find to be as follows, two for himself, one for Beds Bedding &c. one for the Canteen, and one for Coals: he says he received that number from the Barrack Master he relieved, about six Months ago, but cannot tell by whose Order, they were converted to those uses.

(Sign'd) PETER DESBRISAY.

March 24, 1749/50.

*Report from Inversnade.*

Nothing extraordinary hath happen'd on the Detachment of Colonel Bockland's Regiment at Inversnade, since my Last report.

(Sign'd) PETER DESBRISAY.

March 27th, 1750.

*Report of Bruemar and Corgarf.*

All's well. My Duty to the General.

(Sign'd) ESME CLARKE.

April 10th, 1750.

*Report from Braemar and Corgarf.*

All's Well. (Sign'd) ESME CLARKE.

April 23d, 1750.

*Report from Inversnade.*

I received your Order for the Boat, which I am to get from Mr. Alex. Houstone, Merchant at Glasgow, and shall as soon as I receive a letter from him, acquaint you with it, as well as the particulars belonging to the Boat.

Since my last report, a Corporal and some Soldiers apprehended a Highlander for carrying Arms in the shire of Stirling and parish of Buchanan, they brought him to a Justice of the Peace, whose name is will Buchanan who told the Corporal he would give him a receipt for the Gun and enquire whether the man, lived within the bounds of the disarming act. But the Corporal says he dismiss'd the Highlander, and was likewise inform'd that he return'd him the Gun.

(Sign'd) PETER DESBRISAY.

April 24, 1750.

*Report from Braemar and Corgarf.*

A Soldier found in a Wood three french Bayonets, a Gun Barrell, and a Dirk. In other respects all's Well.

(Sign'd) ESME CLARKE.

REPORTS OF THE CAPTAINS AND OFFICERS ON THE HIGHLAND  
POSTS.

*1st Captain's Command.*

Captain Swettenham of Gen<sup>l</sup>. Guise's Reg<sup>mt</sup>.

Under His Command, 4 Subalterns.

Station. Head of Loch. Loch Arkaig or Glen Leogh.

Report. June 11, 1750. Glen Leogh.

From the Head Quarters of Glen Leogh I Visited the several posts in my district, viz<sup>t</sup>.

From Glen Leogh to Bonarkaig 6 miles, a post of great Consequence as I am inform'd, but not Mentioned in the Route, where I have posted 1. Copl. and 4 men who scour'd the mountains Betwixt it and the head of Loch Arkaig, on the 5th Instant and found all well.

From Loch Arkaig to Tray in South Morra 19 Miles (where Lt. Maxwell Commands). Lieut. Maxwell visited the several posts in his district, and gave me a report.

From Tray in South Morra to Glen Finnan 25 Miles where Ensign Patton Commands. Ensign Patton on his arrival at Glen Finnan, found three fire locks Hid under a Rock, one of which was loaded and one wanting of a lock. His party scour'd the Mountains and met the party from Loch Arkaig at the Head of Glen Pain on the 6. Inst. and found all well. He has likewise posted 1 Corpl. and 3 men at the Head of Loch Yeol, who are to Correspondence once a Week with his party, and once a Week to scour the Mountains.

From Glen Finnan to Strontian 16 Miles (where Ensign Cay Commands). On the 31st past a party was demanded from Ensign Cay, consisting of 1 Corpl. and 6 men, by Mr. McLean to go in pursuit of two Cows, stolen from him, the party set out at 10 o'clock forenoon and did not return till 9 o'clock next Night and Brought no prisoner the party followed the track to the Lands of Argour, where they Lost the tract, and got a note for the Value of the Cows.

Ensign Cay's Party scour'd the Mountains, on the 3rd Inst. towards the Head of Loch Sheil and found all well.

Ensign Irving who Commands the Moving patrole, has been his Circuit by the following posts, Vizt., from Glen Leogh up Arkaig Side to the Head of the Loch Arkaig. From thence thro' Glen Dissery and along the side of Loch Morra, to Tray in Morra, from thence thro' Glen Dissery and Glen Pain, to Glen Finnan, from thence by Loch Sheil, to the Head of Loch in Dolet and to Strontian, from thence thro' Glen Tarbot to the Current of Argour and along Lochaber side to Glen Leogh, and found all well.

Price of provision pretty reasonable.

Disposition of the Detachment Under the Command of Capt. Swettenham.

No. of Posts.	Capt.	Sub.	Serjts.	Corps.	Men.	
1	1	"	1	"	3	Glen Leogh.
2	"	"	"	1	4	Bonarkaig.
3	"	"	1	"	8	Head of Loch Arkaig.
4	"	1	1	"	7	Glen Finnan.
5	"	"	"	1	3	Head of Loch Yeol.
6	"	1	1	2	15	Strontian.
	"	1	1	1	20	Moving Patrole.
1	3	5	5	60	Total.	

N.B.—There is a Corpl. and three Men added from the Regiment by the Order of Col. Rich, to reinforce the party of Strontian, and are Quarter'd on one John McCainn who keeps a whisky House at Inversandy.

(Sign'd) JOHN SWETTENHAM.

*Lieut. Maxwell's Report.*

Head Quarters. Tray in South Morra.

Kinlochroom where there a serjt. and 5 men is a Glen at the Head of Loch Hoom, which is a fine Bay Running about 10 Miles up the Country from the Sea some parts, three miles broad, enclos'd by very high hills, the Head of the Loch is Computed 8 Miles from Bernera ; about 4 Miles down the Loch Lies Glen Barrisdale, where old Barrisdale Lives. I spoke with him and gave him a Copy of my advertisement, which he said he would explain to His people and make them Obey it. This Glen is about one Mile Long with a small river running thro' it, from this I ascended very High Mountains and Rocks about two Miles, and came down into another Glen call'd Glen Dulachin about 5 Miles Long where there is a fresh Water lake about one Mile long, from which runs a River about 3 Miles, and empties itself in Loch Nevis a Large Arm of the Sea, which divides Knoidart from North Morra, this Loch is in some places 6 Miles Broad and 4 Long, on the North Side of it stand the Ruins of young Barrisdale's house, which was Burnt Down, in the Year 1746. Near this lies Knap where I cross'd the Nevis to a place Call'd Mullig, about 5 Miles over, from thence march'd over Mountains but near the Sea, about 6 Miles, when I came to Bayorat on the side of Loch Morra, where there is a Corpl. and 4 men there is a house built for the soldiers last year, Loch Morra is a Large fresh water Loch, in which there is several Islands from one of which Lord Lovat retir'd on seeing Capt. Fergusons Boat brought into the Lake in 1746. Here is a good deal of wood thro' which we pas't, from this Bayorat we march'd down the side of the Loch, and cros'd a small river which Runs from it into the Sea and came to South Morra where I waited upon the Laird of Morra, as he is call'd, and gave him likewise a Copy of the advertisement which he promis'd to obey and make his people do so likewise. This Gentleman is very serviceable to all my parties round him in making the Country people supply them with what they can afford at reasonable prices. From this I pass'd on to Tray, a small Village about 6 Miles from Bayorat, where I stay myself with a corpl. and 6 men, about 2 miles farther Lys Keppoch in Arrasaig, another little Village where is a Serjeant and five men. These are all my stations and from Kinlochroom to Keppoch cross the Lochs is about 25 Miles and round the Lochs reckon'd 50 Miles and upwards. In all this Circuit nothing material happen'd, the people are all very Quiet and no thefts committed this summer or any complaints made.

Disposition of the parties under Command of Lieut. Maxwell of Genl. Guise's Regiment.

No. Posts.	Sub.	Sergt.	Corpl.	Men.	
1	1	"	1	6	Tray in North Morra. Head Quarters.
2	"	1	"	5	Loch Hoom.
3	"	1	"	5	Keppoch in Arrasig.
4	"	"	1	4	Bayorat, On the side of Loch Morra.
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1	2	2	20		Total.

*2nd Captain's Command.*

Capt. Molesworth of Genl. Guise's Regiment.

Station. Laggan Achadrom.

Report. June 5, 1750.

On Tuesday the 22 day of May I arrived at my post of Laggan Achadrom, having detach'd by the way the several parties whose post lay Convenient for it, I immediately posted the other detachments as Order'd in the Route, and caus'd The Advertisement Contain'd in my Orders to be affix'd to the several Church Doors within my District and gave Copys of it to some Gentlemen of the Country to be explain to their Tennants and dispersed among them. I have Visited every detachment within my district, and have appointed to every Detachment, (excepting that at Strathglass, which has no party to the Eastward of it) two patroles pr. Week, and to meet at such places as I found most Conveniently situated for that purpose, Ordering them nevertheless as their knowledge of the Country shall increase to Vary the place, as well as the Day of their meeting that the schemes of the Thieves may be the more effectually disconcerted. The Country people, tho the Soldiers say they are Civil in their deportment to them, impose without Measure in the place of provisions, and this Complaint is Universal thro' all my parties. The Country seems quiet and all the parties detach'd from me have remain'd without any information of Cattle Stolen, nor have they found any person in Highland dress.

I send you as my Order directs a detail of my posts, with the Number of Miles as Computed in this Country, but the Number of English Miles measured would be near Double.

Num. Miles.	Capt.	Sub.	Sergt.	Corpl.	Men.	
1	"	1	1	1	10	Laggan Achadrom. Head Quarters.
9	"	1	"	1	8	Head of Glen Morrison.
8	"	"	1	"	6	Knochlin Height of Strathglass.
8	"	"	1	"	8	Strath Cluney.
9	"	"	"	1	6	Head of Glenshiel. [by Glen Do.
12	"	"	"	1	6	Balachan between Loch Garry and Loch Quick
18	"	"	1	"	6	Garvimore and Garvibeg, by Laggan Achadrom.
7	"	"	"	1	5	Leach Roy. Head of Glen Roy.
10	"	"	"	1	5	Head of Glenspean, through Glen Roy.
10	"	"	"	1	5	High Bridge.
3	"	"	"	1	4	Nine Mile Bridge.
		1	1	1	20	Moving patrol.
Total						1 2 5 9 89

I have the reports of all the parties which Contain nothing extraordinary excepting what I have represented above in relation to provision.

As to my own at Laggan Ach = Adrom I am to acquaint you that on the 27th May the Patrol seiz'd Alester McDonel wearing a Plaid who was committed to jail by the Sheriff of Inverness at my Instance and on the 29th May at the complaint of Alexr. McLaughlan of Corwannon I took up arch<sup>d</sup>. Kennedy with a Cow and Calf in his possession, and sent him prisoner to Inverness, where he was committed to jail by the Sheriff, but since Bail'd. The Cow and Calf remain in my Custody the said McLaghlan not appearing to Claim them.

The 1st June my party recover'd a Horse Stolen from Alexr. McDonell of Strathglass and restor'd him to his owner, they pursued the thief who was arm'd and in Highland Dress, but Night coming on he escap'd in a Wood.

And on the 4th June I reduced Alexr. Kennedy of Bragath in Glen Roy to Composition with John McDonell of Shenan for a Horse stolen two years ago.

(Sign'd) J. MOLESWORTH.



*3rd Subaltern's Command.*

Lieut. Cumine of Genl. Guise's Reg<sup>mt</sup>.

Station. Ruthven in Baddenock. Head Quarters.

Report. June 2, 1750.

Agreeable to your Orders, immediately upon my arrival here, I detach'd from my Command, the outposts specified in my Route.

No. Post.	Sub.	Sergt.	Corpt.	Men.	
1	1	1	1	12	Ruthven in Baddenock. Head Quarters.
2	"	"	1	4	Ellan near Corryburgh.
3	"	"	1	5	Ruthven in Stratherrick.
4	"	"	1	4	Glen Banchor.
5	"	"	1	4	Dalwhinny.
6	"	"	1	4	Glen Feshe.
	"	1	1	10	Moving Patrole.
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Total	1	2	7	43	

I have Visited my out Posts, and have taken as exact a View and account of the Country as I could. The greatest Inconvenience the parties will have is on their patroles as the distances between each post is so very Considerable with the Badness of the Roads, that it will be very fatiguing for the Parties to meet and return to their Quarters the same day. I have appoint'd the places of meeting most convenient for each party, and at the passes and Glens, that is most probable, where the thieves Lurk, and drive their Cattle through. There is no difficulty for the Moving patroles to go round the district, for some months, as there is no considerable rivers in the way, but whenever the rainy season comes on, it will be impossible for the Ruthven of Stratherrick party to meet with any of the other posts, as the Hills are so very High and steep, that none can travel and at the same time I am inform'd by the Gentlemen in the Country that the party there can be of no manner of service to the Country for preventing thieving, being so Low down the Country, it is there opinion it would do much better in the Head of Stratherick and guard one of the great passes from Glengaries Country, but by what I can understand the party would be but badly off in regard to Quarters.

The distance of Miles from each post is as follows :—

Ruthven of Baddenock to Ellan . . .	13 miles.
Ellan to Ruthven in Stratherrick . . .	12 "
Stratherrick to Glen Banchor . . .	15 "
Glen Banchor to Dalwhinny . . .	9 "
Dalwhinny to Glen Feshe . . .	12 "
Glen Feshee to Ruthven in Baddenock . . .	4 "
Total	65

The out parties as yet are not very well accommodated with provision, or other necessities but the people of the Country have promis'd to assist them. I have heard of no Cattle being stole since I came here the Country people pay great Obedience to the Laws against wearing the Highland Dress. I have done all I could to find out if there is any attainted or outlaw'd persons lurking in this corner but can hear of none.

(Sign'd) ALEXR. CUMINE.

*4th Captain's Command.*

Capt. Patton of Genl. Guise's Reg<sup>mt</sup>.

Under His Command, 1 Subaltern.

Station. Head of Loch Rannoch.

Report. June 15, 1750.

21 of May left invernness March'd to Dalnachardoch from whence I detach'd a party for the Bridge of Kinnachan, which is ten measur'd and only 6 Computed Miles. as we came to Laudakin 5 miles from Dalnachardoch, I found a Spanish piece in the House of Duncan Stewart, who made his escape to the Mountains, and some Ball we also found, And finding no such place as Stameshaden in Rannoch, I left the party at Indeshadden, foot of Loch Rannoch, it being a remarkable pass. The Loch is seven miles Long, and we have got a few empty Hutts to live in, no living soul within two or three miles of the Place, all the Inhabitants having gone to their Sheiling, Sr. Robt. Menzies, Order'd a guide to meet us at the Head of Loch Gerry, and conducted us here, and sent two Horse Loads of Meal which was of great service as this Country affords none. The parties for Derrybeg, Glenco, and head of Loch Leven, I detach'd to their several Stations.

3 June. Six Highlanders Dress'd in kilted Plaids and Philebegs &c. Compleatly Arm'd, with fire lock, sword and pistol each, Broke into a sheiling belonging to M's. Allan Stewart proprietor of Indeshadden and Carried with them all the Cheese, Butter &c. they could find, the party were Immediately Call'd for and were all that night in quest of them and next day as I went my rounds, I heard they had been seen in the wood of Kinnachan, which I search'd well over, but got no further tidings of them. But as it was everybodys opinion, they had fallen down upon Stratheasle or the Braes of Mar in Order to steal Cattle, I made the following disposition in order to intercept them, by advice of M's. Stewart I order'd, the party at Inderchadden to guard the pass of Belanasiobe, which cutt of their Communication that way with Glen Lion, and the Head of Rannoch their usual Route, and as I apprehend they would not presume to drive their prey over the Bridge of Kannachan, I order'd that party to Guard the pass on ye North Side of the Challin call'd Lead Nabraylay North of Lochan Dimalag, and a Mile south of the River Tumble, these two passes effectually Commands between the Tay and Tumble, as no Number of Cattle can travel any other Road. I have order'd the party at Dalnachadoch to patrole often to the pass of Dalspidal Nine Miles across the Mountains, And sent to Dalwhinny that the party there might guard the pass at the Head of Loch Eroch which is only a Mile from them, which Loch is 12 Miles Long and reaches within 3 Miles of Loch Rannoch. But least they should escape our Vigilance by travelling with their Cattle on the South side of the Challin (or maiden Pape) by the advice of Sr. Robt. Menzie I sent four men to Guard the Head of Glen Lion, which is a very remarkable pass to and from the Isle of Skey, so that I think it's impossible they should escape with any number of Cows.

The parties at Dalnachardoch are but Indifferently off, I hope at Kinnachar Bridge, somewhat better, M's. Allan Stewart, supplys the men at Inderhadden with whatever they want, and looks upon I hope small parties as Blessings to the Country. The parties at Glen lion and Derrybeg pretty well off, Mr. Arch<sup>d</sup>. Campbell Late an Officer in Lord Loudon's Reg<sup>mt</sup>. supplies the Latter with all necessaries as does Angus Cameron the party at the Head of Loch Leven.

The party at Glenco are worse off than any in my district, through the influence of McDonald, prisoner in Edin: Castle, we found a Lock with the Tower Mark, and a Bullet Mould in an empty house in Slis Mine.

## Distribution of the Troops under my Command.

No. Posts.	Capt.	Sub.	Serjt.	Corpl.	Men.	
1	1	"	1	1	8	Invercomry south side Loch Rannoch. H.
2	"	"	"	1	5	Head of Loch Leven. [Quarters.
3	"	"	"	1	5	Head of Glenco.
4	"	"	"	1	4	Derry Begg.
5	"	"	"	1	4	Bridge of Kinnachan.
6	"	"	1	"	6	Dalnacardock.
7	"	"	"	1	4	Inderchadden.
8	"	"	"	"	4	Head of Glen Lion.
"	"	1	2	1	21	Moving Patrole.
Total	1	1	4	7	61	

I visited all the Posts within my District. Number of Miles as follows. Vizt.

	Miles.
From Invercomery, by Slis Mine and Laudakin to Dalnacardock	17
From Dalnacardock across the Bridge of Innesour to the Bridge of Kinnachan . . . . .	6
From Kinnachan through do. wood along the River Tumble to Inderchadden . . . . .	4
From Inderchadden by Cary in Slis Garrow to Glen Lion head	16
From Glen Lion head by Golaviran to Derry Begg . . . . .	8
From Derry Begg by Loch Ball and Glen Esky to Glenco head	9
From Glenco head across the Ferry on Loch Leven and up to the head of the Lochs . . . . .	8
From Loch Leven head by Loch Erach—across the Tickeka Doughe which divides Perth Argle and Inverness shire to Invercomery . . . . .	18
Total Computed Miles . . . . .	86

(Sign'd) HENRY PATTON.

*5th Captain's Command.*

Capt. Ball of Col. Bockland's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Barrack of Inversnade.

Report. June 4, 1750.

In Obedience to your Commands, I have visited the Posts of Glenfalloch, Stonaklaker, Ackray, and the Bridge of Turk, where I found everything quiet and no complaint. The soldiers at Glenfalloch board and [lodging?] to their satisfaction. At Stonaklaker they provide for themselves, as they do at Ackray, and have everything the Country affords at a reasonable price. At the Bridge of Turk they are Quarter'd on the Inhabitants and provide themselves where there is greater Plenty than in the other Places. The stubborn people in my neighbourhood hold up their provisions at a High price, though I am inform'd the Duke of Athole whose tenants they are has order'd the contrary.

The distance from Glenfalloch to this is seven Miles, five of them up the side of Loch Loman, two up the River Glenfalloch, a foot road only, and a good deal of it vastly bad.

From Glenfalloch to Ackray is fourteen Miles, there is a pass at Glen Gyle, a foot road goes up the north side of Loch Katharine.

From Ackray to the Bridge of Turk two Miles open Country, no Glen nor Pass.

From Bridge of Turk to Stonaklaker three Miles, no Glen nor pass.

From Stonaklaker to Ackray ten Miles foot road up the side of Loch Katharine, almost Impassable.

The Patroles go as Order'd, and have met with no Plaids or Arms.

The Rain comes in at the Gavel end of Inversnade Barrack, and will damage the timber soon.

(Sign'd) THOS. BALL.

*6th Captain's Command.*

Capt. Edhouse of Gen<sup>l</sup>. Pulteney's Reg<sup>mt</sup>.

Under His Command, 1 Sub.

Station. Brae Mar Barrack.

Report. June 3<sup>d</sup>, 1750.

I set out on Monday and patroled to Rebellachlagan which is about Six Miles from hence, at the head of The River Gairn, I only cross'd one Glen, which is Call'd Fander, till I came to the River which I was oblig'd ford to come to the place where the party stays which is a Barn belonging to the Laird of Invercald, the Men are pretty well accomodated as to Lodging and firing, but at present they Can get little or Nothing but Meal in the Country, as the Mutton will not be in season this Month, from thence I march'd towards Inchrory, about four Miles from that. The next day I went to Dubrach, about six Miles from the Castle, I found it very good Road, it lies at or Near the Head of the River Dee, which I was obliged to pass, and understand that after a Large fall of Rain, its Difficult fording it, its one Continued Glen from the Castle, Call'd from the River Glendee, The Men are in a Barn, and are pretty well accomodated having plenty of Blanketts, from the County people besides those they Carried from home. I went from thence towards Rebellachlagan, to the River Quech, which place I am inform'd is not fordable after Much Rain, there I order'd the two patroles to meet. I passed a small place call'd Enernaneshah and the Glens of Altefugle, and Glosalthmore, found it pretty good Marching for the Men but quite Barren.

On Wednesday I set out for the Spittle of Glenshee in Order to make the tour the other way, we march'd along the Made road through Glen Cluny to Glen bogg, so to the spittle there, there the party is something better off as they are Billeted, but are Much in the same situation as to provision, but they get some Meal, Milk and eggs, and would fare much better, if the Inhabitants were not up in their Shelings, some five or Six Miles amongst the Hills. I patroled from thence to Alternour about half way to Dubrach, where I order'd those parties to meet, but its a most Dismal Country as I ever saw being full of boggs, and Cross'd some very High Mountains. I went through Glen Patney towards Loch Nanain, and Came to Dubrach, but the four last Miles being all over Mountains, I saw Nothing worth Mentioning.

I find the Country at present very Quiet, and by what I can learn in no great apprehension of Thieves. I meet with none in the Highland Dress, nor with Arms, I find Invercald and one Capt. Forbes to be extremely Civil, by doing everything thats in their power, to accomodate, the troops in this District, in the best Manner that is possible.

The Men in this Castle are extremely well Lodged were it not for the Rooms smoking, which is most terrible, we have no provision except Meal, but what we send to Aberdeen or Dundee for. I have taken Care to fix up Orders at all the Kirks within the District.

No. Post.	Capt.	Sub.	Serjt.	Corpl.	Men.	
1	1	1	2	2	36	Braemar Barrack. Head Quarters.
2	"	"	"	1	5	Rebellachlagan.
3	"	"	1	1	10	Dubrach.
4	"	"	1	"	6	Spittle of Glen Shee.
	"	"	2	"	12	Moving Patrole.
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1	1		6	4	69	Total.

*Note.*—Glen Clova : a Corpl. and 3 Men. Ditto Glen Muick occupied by, the party of Lord Barry's Regmt. sent into the Braes of Angus.

*7th Subaltern's Command.*

Ensign Rutherford of Genl. Pulteney's Regmt.

Station. Cargarff Barracks.

Report. June 4th, 1750.

Out Posts.				
	Serjt.	Copl.	Men.	
Inchrory . . . .	1	"	8	
Braes of Abernethy . .	"	1	5	
Moving patrole . . .	"	1	6	
Remaining in the Barracks	1	2	19	
With me . . . .	1	1	21	
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Total	2	3	40	

*NOTE.*

Tomatoul and Achnachoil, Dunans, Scalen and Achnacra & Cabrach, occupied by a party of Genl. Pulteney's Regmt. from Strabogie.

The partys at Inchrory, and the Braes of Abernethy, are Quarter'd tolerably well in Country Hutts, are supply'd with Oat Meal from the Country, the Country people supply them also with other provisions, which Consists of Mutton Milk and Eggs at Reasonable Rates, but they have no firing except what they gather from the Hills.

*Glens and Communications betwixt the several Outposts.*

From Corgarff to Inchrory up the River Don is three Miles the Country is thinly Inhabited. The source of this River is form'd by the Joining of the Rivellets Fevaid, Miervarich, and some others from the Mountains, from thence to Inchrory the ground is Mossy, and scarce passable, and the Mountains High on each side; Inchrory is situated near the River Awn. From Corgarff to the Braes of Abernethy is fourteen Miles. After crossing the River don, about half a Mile below Corgarff, the road passes through a Village call'd Miln Town of Allairg, afterwards over a Hill call'd Allairg, it afterwards rises over a High Mountain call'd Lecht, falls down and crosses the Burn of Lecht, goes down the side of a Burn call'd Canglas about two Miles, and after crossing the ford of Carnagoval on the River Awn (where there is a pass call'd the pass of Carnagoval, near which at a place call'd Kamdillvaih old Glen Buckett's house stood,) it passes through a little wood, and enters on Glen Brown. After passing through this Glen, there is a Burn of the same name (where there is a pass call'd the pass of Glen Brown) after crossing which Burn, the road Rises over a High Mountain called Krastrekay, and from this to the Braes of Abernethy, the Country is very thinly Inhabited. The Braes of Abernethy are Situated near a Burn called Nethy. The Glen call'd Glen More is also near it, it is surrounded by High Mountains on every side, and the river Spey is about two Miles distant. From the Braes of Abernethy is seven Miles, the road over Mountains in many places Mossy, Rocky and scarce passable, about four Miles from Abernethy it crosses the Burn of Ainach, where there is a pass call'd the pass of Ainach, no Inhabitants nearer than at a Village call'd Gianlich about a Mile farther on the road, it afterwards passes thro' part of Glen Awn, crosses the River Awn, where there is a pass call'd Altananerock, and from thence to Inchrory, the road lys in a Valley, High Hills on each side of it, there is another pass call'd, Elinquish, which is also near Inchrory, on the same River.

*A Report of the Moving Patrol from the Barracks of Corgarff.*

At four o'clock in the morning march'd up the River Don and cross'd near the Head of it, about two Miles further they came to a Village call'd Torbau, and patroled over a large moor, and after crossing the



River Awn where the road is very bad, they patroled over a High Hill to abernethy, the Country through which they pass'd is very thinly inhabited. From the Braes of Abernethy they patroled to inchrory, the road betwixt these two places very bad, &c. This report near the same as above, as is the patrole from Inchrory, as is that of the Braes of Abernethy.

On the 27 of last month application being made by a Justice of peace, for a Serjt. and twelve men from the Barracks, to apprehend some persons who had been guilty of a riot in attacking and abusing a gentleman in His own house, the party march'd accordingly, but the Rioters having intelligence of their coming, made their escape, they were pursued by the party, but could not be apprehended notwithstanding the party used their utmost endeavours for that purpose, they are all Inhabitants near the same place, so that it's expected they may be afterwards apprehended all but one who is a stranger and made His escape before the party was apply'd for.

(Sign'd) RO: RUTHERFORD.

*Report of Lieut. Ogilvy from Tomantoul of Genl. Pulteney's Regmt.*

*Detach'd from Strathbogie June 15, 1750.*

May 25th. March'd from Strathbogie to the Kirk Mortlick, Cross'd the River Devoron, 2 Miles from Strathbogie, by Aswanley, by Edenglassie, by Achendown Castle, thro' the Head of Glen Fiteeh to the Kirk of Mortlich 10 Miles. The 2 C. march'd by Achmoor in Glen Renis, cross'd the Water Levitt, a little above Blairfinee, over the Com out of the Head of Glen Levitt to Tomantoul in Strathavin 11 Miles.

Disposition of the Troops under the Command of Lieut. Ogilvy.

No. Posts.	Sub.	Serjts.	Corpl.	Men.	
1	1	1	"	11	Tomantoul. Head Quarters.
2	"	"	1	4	Achnahyle.
3	"	"	1	5	Downan.
4	"	1	"	6	Shelan and Achnascra.
5	"	"	1	4	Cabrach.
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1	2	3	30	Total	

Tomantoul is situated 6 Miles from the Castle of Corgarff up the River Awn near the ford call'd Garnagoul, formerly a noted pass for driving of stolen Cattle, from Tomantoul to Achnahyle up the River Awn 2 Miles, from thence to Achnascra and Shelan 5 Miles, over a Moor, crossing the water of Conliss from Achnascra to Tornachalt in the Cabroch by the Sewea over the Stepler (a large Mountain) to Blackwater to Tornachalt 5 Miles, from thence to Downan in Glen Levitt by a Town call'd Crafthead, to Glen Fidich, to Achmoor in Glen Renis to Tombrachie in Glen Levitt to Downan and Miles from Downan to the Head Quarters by the Seal by the River Awn to Kirk Michael on Dp. then cross the water of Conliss at Rayven to Camdelmoor to Tomantoul 5 Miles.

All the parties of the different posts Quarter'd on the farmers but oblig'd to Lie in Barns, and furnish'd by the Inhabitants with Blanketts.

There is plenty of provision, and the Soldiers of the Different parties are well acquainted with the whole Country.

I can hear of no Body wearing the Highland Dress, none as I can find carry Arms, without having a proper Authority, and there has been no Cattle stolen from this, these four years past.

A Copy. Cha: Collier, Aid-de-Camp.

Sent to Col. Napier June 23rd, 1750.

#### REPORTS OF THE CAPTAINS AND OFFICERS ON THE HIGHLAND POSTS.

##### *1st Captain's Command.*

Capt. Swettenham of Genl. Guise's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Head of Loch Arkeg of Glen Leogh.

Report. June 26, 1750. Glen Leogh.

Since my last of the 12th Inst. I have received the following Reports from the posts in my district.

June 21.

Lieut. Maxwell commanding the party at Tray in South Morrer acquaints me that all our people in his district have been very Dilligent and regularly went their Patroles, but found nothing extraordinary,

Mr. Maxwell took a Patrole himself thro' greatest part of the Bounds prescribed him, and found nothing worth observation, only saw at a distance two men in Highland Dress nigh the house of one Allister McDonald at the Head of Loch Nowa, whom he pursued but could not apprehend as they got into a wood, he is inform'd one of the offenders is son to the above Allister McDonald.

June 23.

Ensign Cay writes from Strontian, that some days since the Laird of Kingerloch sent to him that he had lost five Cows more, but as he had heard no Tidings of them, and no Track having been rais'd he could not pretend to send any men in quest of them, that all is well in his district, and all Orders have been comply'd with.

June 22.

Ensign Patton's report from Glen Finnan. All is well and the men under his Command having gone the regular Patroles as directed.

Ensign Irving who Commands the moving Patrole return'd to Glen Leogh on the 23d Inst., having visited all the posts in my district, and made his report that all was well, having observ'd nothing worth troubling you with the detail of.

(Sign'd) JOHN SWETTENHAM.

*2nd Captain's Command.*

Captain Molesworth of Genl. Guise's Reg<sup>mt</sup>.

Under his Command, 2 Sub.

Station. Laggan Ach = Adrom.

Report. June 21.

Nothing extraordinary has happened within my command since my last report, the patrolling officer is Return'd, and has given me a list of Persons carrying Arms under the protection, who reside chiefly about Glen Sheil and the Lands belonging to Lord Fortrose, there are ten protections signed by him, three by Colin Mackenzie his factor, six Sr. Alex. McKenzie of Coul, two by Norman McLoed, Esq<sup>r</sup>, two by John McKenzie of Applecross, and one by Alex. McKenzie of Fairbour, in all twenty four in the district of Glen Sheil and places adjacent belonging to Kintail, these are said by Lord Fortrose's Bailiff (Call'd the Ground Officer) to be the only persons allow'd to carry Arms within that district.

I thought it Convenient to send the whole moving Patrole with the officer for the first round that they might all know the Disposition of the posts and have some acquaintance with the Country, for the future I believe it will be sufficient, considering the scarcity of provisions and accomodation for Soldiers on a March, to keep about six of them constantly moving, and to relieve them from the Head Quarters from time to time, if this Method should not appear sufficient, I shall increase their number, but at present the Thieves seem sufficiently awed and the Highland dress is no where to be seen. The following is the extract of the patrolling officer report.

	Places Visited.	Miles.	Rivers past.	Glens past.
June 6th.	{ Station between Loch Garry & quich.	12.	Garry.	Glengary.
7.	Glensheils.	16.	Shiel.	{ Glenquich. Glenshiel.
8.	Stratcluny.	9.	Cluny.	Strath Cluny.
Do.	Head of Glen Morison.	6.	Morison.	Glenmorrison.
9.	Knockfinn.	8.	Glas.	Strathglas.
9-10.	Fort Aug <sup>st</sup> . Stat <sup>n</sup> .	12.	Oich.	
11.	{ Garvimore. Garvibeg.	11.	Spey.	Glen Drummond.
12.	Glenspean.	8.	Spean.	
Do.	Leach Roy.	8.	? & Roy.	Glen Roy.
Do.	Nine Mile Bridge.	9.	Glene.	Glen Glene.
Do.	High Bridge.	3.	Spean.	Glen Lockey.

Patroles from all the stations regularly made and chang'd as order'd. No Complaints from the Country people, no motions of thieves, no extraordinaries.

(Sign'd) CHARLES GREY, Ensign.

July 3.

I have nothing extraordinary to acquaint you with since my last report but that my party at Strathglas has apprehended and sent to Inverness goal Hugh McDonell, servant to Mr. Chisholm, Minister of Strathglas, for wearing the Plaid and Phillibeg, and he is confin'd by the Sheriff for six months, pursuant to act of Parliament. The party at Laggan has this day, upon a petition to me, taken up Margaret McKenzie, a notorious Thief, for housebreaking, and I have deliver'd her into Fort

Augustus, from whence she goes to-morrow under a guard to Inverness. I have procur'd Intelligence of twenty one noted Thieves, with their additions and places of residence, and have sent notice of them with such helps as I could give to the officers commanding in the several districts, where they reside, as there is an account of six men in Highland Dress and compleatly arm'd, being pursued from Rannoch by Capt. Patton, I have thought proper to reinforce the party at Nine Mile Bridge with a man from the moving patrolle to make them equal in number to the thieves should they attempt to escape by that pass. The moving patrolle has been scouring the Mountains, particularly from the Spey to Strath Erich, in hopes to meet with them, but found everything Quiet. I have this day Intelligence of three Cows stolen from Castle Grant, but shall take Care that they shall not pass my District with impunity, and for that purpose to scour the Glens to-morrow.

(Sign'd) J. MOLESWORTH.

*3rd Subaltern's Command.*

Lieut. Cumine of Genl. Guise's Regmt.

Station. Rathven in Baddenoch. Head Quarters.

Report. June 16.

Since my last report I have taken up the two following men, for wearing the Philibeg, and have sent them to Inverness gaol, Vizt., Grigor McPherson and Norman McLeod, the first was taken up by the party at Glen Banchor, he was born in that place aged about 17 years, the other was taken up by the moving patrolle in Rathven in Strath Erich, he was born near that place, aged 18 years; there has nothing else extraordinary has happen'd in my Command since my coming here. I had a report made me ten or twelve days ago of 4 or 5 men being seen in arms by a Country man at Strausvoilie, 5 miles above Glen Fechry the Braemar road, immediately I sent a party in search of them for some days, but could not get the least intelligence, which road they went, it is Generally believed, they have gone down to the low Country so I am hopefull we shall give a good account of them, in their return, as I have order'd all the parties to be very diligent and keep a sharp lookout.

July 14.

My moving patrolle has this day return'd from patrolling this week past, and reports that all the Country is quiet and no thieving or any

Intelligence of thieves, the rain we have had for these some days has made the Hills very bad travelling and all the little Rivolets so big that it made passing of them very difficult. There is nothing extraordinary has happen'd since my Last.

(Sign'd) ALEX. CUMINE.

*4th Captain's Command.*

Capt. Patton of Genl. Guise's Reg<sup>mt</sup>.

Under His Command, 1 Subaltern.

Station. Head of Loch Rannoch.

Report. July 3.

Nothing remarkable has occur'd since my last return, the thieves having never since been heard of, by which it is believed, that our quick pursuit together with the Disposition made to intercept their return made them lose hopes of getting back in safety, with any number of Cattle, and that therefore they dispersed themselves generally over the Mountains to their respective habitations.

The 15th June gave a pile of men to the Sheriff's officer who arrested 2 Cows for debt and escorted them towards Perth.

The party at Glen Lion in their first patrol saw a man in Highland Dress who they endeavour'd to apprehend, but made his escape although fir'd at, he was the first person who appeared in that Garb, in my district, since our arrival in Rannoch.

As the people in this Country are reported, the greatest thieves in Scotland, and were all in the Late Rebellion except a very few, I made no Doubt but they have great numbers of Arms, but they will take care to keep them Conceal'd from us. Lieut. Foster in going his patrol saw three firelocks and two Broadswords at Barrivoue, protected by Lord Broadalbin's Factor, Mr. Campbell, without either mentioning their number or Quality. I saw three pieces in the house of Captain Robertson at Cari, as this Gentleman is in the Dutch service, I will gladly know if I ought to seize them or not.

June 22.

The party at Dalnacaroch accidentally found a Regimental sword hid under a heap of Rubbish. McPherson who keeps the publick house there applied to Commissary Bissat, late factor to the Duke of Athol,

that the men might be turn'd out of his Barn, where I had fixed them, or be Billeted on other houses, and I send you an Extract of his letter, that you may know in what Light they look upon those Parties, Vizt., "I have "advis'd with the Justices at the Quarter Sessions and it is their opinion "that the Soldiers should buy their own fire and pay for their Bedding &c. "about the time of the Rebellion, and till all was settled they were oblig'd "to Quarter them because they would not stand with them, but now all "is settled they must provide everything at their own expence, I have "therefore order'd their own house at the Bridge to be repaired for them "that their being there may keep them from troubling the Country for "the future." This house was built at the same time with the Bridge upon the Garry at Dallenveigh 300 yards from Dalnachardoch, and Commands both that and the road from Crief. I have therefore Order'd the party to Comply with the above order of the Justice so soon as the House shall be put in proper repair.

(Sign'd) HENRY PATTON.

*5th Captain's Command.*

Capt. Ball of Col. Bockland's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Inversnade Barrack.

Report. June 23.

In Lieut. Evors report to me of the 15th Instant he says some thieves near the Bridge of Turk had broke upon some houses, that he gave assistance in order to apprehend them, but to no effect, all is well in the other outposts.

July 8.

In Lieut. Evors report from the Bridge of Turk says his men on their patrol saw, a man in a plaid, which they pursued ; he dropped the plaid and got off, all's well in the other outposts.

(Sign'd) THO. BALL.

*6th Captain's Command.*

Capt. Edhouse of Genl. Pulteney's Reg<sup>mt</sup>.

Under his Command, 1 Sub.

Station. Braemar Barrack.

Report. June 19.

Yesterday the patrolling party returned but mett nothing extraordinary, by all the accounts I can learn they seem to agree that Serjt. More Alia Doe, who was Last year at the Head of a Thieving party is certainly gone over to Holland.

June 30.

My party's have patrolled from hence and all the outposts Join'd at the places allotted them but mett with nothing extraordinary. The following is a List of the Military Stores Lodg'd in Braemar Castle June 27, 1750, Viz<sup>t</sup>.

Wall Pieces swivelled . . . . .	12.
Flints for Do. . . . .	80.
Match . . . . .	18 pounds.
Com'd powder . . . . .	2 Half Barrells.
Hand Grenades . . . . .	50.
Wall piece Shot . . . . .	1,200.

(Sign'd) SAMUEL EDHOUSE.

*7th Subaltern's Command.*

Ensign Rutherford, Ensign in Genl. Pulteney's Regmt.

Station. Corgarf Barrack.

Report. June 10.

I have reports from all the patroles, that they found nothing extraordinary, the men in this Garrison are supply'd with provision and everything else.

July 2.

The patroles report nothing extraordinary. On the 28 of June a party from the Barracks march'd and apprehended two of the persons Concerned in the Riot mentioned in the report of the 4 June, and a Warrant having been obtained from a Justice of peace they were escorted by said party to Aberdeen Jail there to remain till they stand their Tryal, there is But one more of the Rioters who has flead the Country.

(Sign'd) RO. RUTHERFORD.



*Report of Lieut. Ogilvy from Tomantoul of Genl. Pulteney's Regmt.  
detached from Strathbogie nothing extraordinary.*

Capt. Sharp of Lord Burys Regmt. in the Braes of Angus, Reports  
June 21.

That Mr. Wetherburn on his Issuing out a special Warrant to Alex. Gib Constable, for breaking open a House in Lintrathen parish, for apprehending the Body of Isabel Douglas suppos'd to have murdered her Bastard Child wherein she had secreted her self and refused admittance to the Constable upon his first Warrant for apprehending her, was apprehensive they would insult the Constable in the execution of his duty, therefore at his representation I sent on the 7th Inst. a party of four men to protect the Constable from any Insult that might be offered, which party return'd the same evening, having executed their Orders without the least Disturbance.

(Sign'd) HORO. SHARPE.

Omitted in Capt. Edhouse report but put in, in the General report sent to H.R.H. July 25. Yesterday the officer with me took up a person wearing part of the Highland dress, he had on a short Tartan Coat with shoulder straps, I sent him to Capt. Forbes, a Justice of peace, who committed him to goal.

A Copy. Cha: Collier, Aid-d-cam.

Edin: July 24, 1750. Sent to Col. Napier July 26, 1750.

#### REPORTS OF THE CAPTAINS AND OFFICERS ON THE HIGHLAND POSTS.

##### *1st Captain's Command.*

Capt. Swettenham of Genl. Guises's Regmt.

Under His Command, 4 Sub.

Station. Head of Loch Arkeg or Glen Lioigh.

Report. July 17, 1750.

Ensign Cay Commanding at Strontian Reports to me that a party was demanded, from him by one Ronald McDonald, who is tacksman to

Glenallidill, to go in pursuit of three Cows stolen from him, the party was accordingly sent, who found two of the Cows in a fold on the Lands of Kingerloch, in the Shire of Argyle, with some more cows belonging to the undernamed Men, who are sent prisoners to the Sheriff of the above Shire, at Inverary. Donald McAchran, Angus Donald, Hector and John McLean, with John McLean Junr., nothing extraordinary from any other detachment.

August 12.

I have procur'd a list of Thieves within my district. I order'd the moving patrolle under the Command of ensign Irvine from Glen Lioigh to scour the Mountains to the Head of Loch Arkeg and Glen Desery. Ensign Irvine return'd with his posts the 2d Inst. with two prisoners which two Thieves, Miles Macmillan taken in Glen Desery and John McPhie taken at the Head of Loch Arkeg, I have sent to Inverness, with Alex. McDonald and Donald McDonald to prosecute them for Sixty Goats stolen in the year 1748. The above prisoners were committed to the Goal of Inverness by the Sheriff and the party returned to Glen Lioigh on the 8th Inst. Nothing extraordinary has happen'd since last report.

(Sign'd) JOHN SWETTENHAM.

*2nd Captain's Command.*

Capt. Molesworth of Genl. Guise's Reg<sup>mt</sup>.

Under His Command, 2 Sub.

Station. Laggan Ach = Adrom.

Report. Laggan, July 18, 1750.

The 8th an officer was order'd with a Serjt. and 8 men to lye at Nine Mile Bridge under pretence of going to Fort William, but to march at one in the morning over to Glen Roy, and to search every house on the North side, and a Serjt. from Laggan with 8 men enter the Glen to ye eastward, and search it on the South side as also Glen Keppoch, one of the Thieves call'd McCawer was surpriz'd but fled for it and notwithstanding the Party fir'd sixteen shots after him, he made his escape, throwing himself down a precipice and swimming a river.

Having got intelligence of five Thieves harbouring in Glenmoriston I sent their designations to the Officer there with Orders to attempt y<sup>e</sup>

taking them and he took his measures very properly, for that purpose but found his design betray'd, and the Thieves fled. being chagrined at this disappointment, I apply'd to a Gentleman residing near 50 Miles from hence and who had appear'd Zealous in the promoting our endeavours, my request was that he should send me some trusty person, one who had suffer'd by these Villaons and knew how to trace them, but his answer gave me but little hopes of succeeding, in such kind of pursuits from the account it gave me of the fear with which the Thieves had impress'd on the Country people. His words are: "This is a good intention yet all the Honest men in this Neighbourhood are in such dread of the villainous attempts of those Ravenous creatures, that none of them will undertake to be guides, fearing the bad consequences, and not without Cause in case the affair may not succeed."

I subjoin my answer to this letter, as I think it very material for this service that we should acquire the Confidence of these people, and as I hope you will direct me to do whatever I have omitted, that might conduce to that end.

To Mr. Mathieson of Farnaig.

Sr.—I have your letter of the 2nd of July before me being transmitted to me by Lieut. Desvories from Glen moriston and am extremely concerned to find that such a Dread should prevail amongst the Honest men you mention, that they dare not pursue that Course which is indeed the only effectual means of delivering them both from the terror and the oppression of the Villains of the Country, it cannot be expected that the King's Troops should be able to find the lurking places of the Thieves without Guides or that they should know their persons so as to secure them when they chance to fall into their Hands, it is therefore the common Cause of all the Honest Inhabitants of the Country, to assist us with Courage, in discovering these Enemies of Mankind, and not through a sluggish Timidity, to render vain His Majesty's generous endeavours for the tranquility of his subjects in these parts, as the steps wh<sup>h</sup> have been taken by the Government, in the Disposition of the Troops here, ought to Convince every one that the welfare of the Highlands is an object of the tenderest regard to it, I think it incumbent on those for whose protection we are sent to concur with us by all possible means to render this service effectual. I hope you will place this duty in such a light to those over whom you have influence, as may induce them boldly

to pursue all measures which may tend to eradicate the thieves who could not thus have rendered themselves formidable to a whole Country but through the indolence or pusillanimity, of those whose Duty to themselves, as well as their Country, call upon them to exert their utmost activity against them. it is because I have observed in your behaviour an uncommon Zeal for promoting the good ends for which I am sent here that I express myself to you so freely, assuring you at the same time (as I desire you to assure your neighbours) that no pains or diligence shall be wanting on my part for securing speedily and effectually such thieves as they shall point to me, so as they may have no leasure to wreak their vengeance on such as assist in discovering them. I desire you to assure them likewise, that I will faithfully conceal the names of such persons as shall discover, and enable me to trace them, that if their service proves effectual I will defray their travelling charges, that I would be at all times ready to grant them protection or to march to their assistance if needfull; and that lastly I will upon my departure from this place, use my endeavours to procure for such as have been active, in the discovery of Robbers Licences to keep arms, that they may be in no fear of the Vengeance of the Thieves, even after His Majesty's Troops shall have quitted the Country.

I have communicated to Capt. Swettenham commanding at Glen Lioigh the names of sixteen persons in and about the district of Loch Arkeg, these names are all in your List and if you will send to him some persons who can assist him in tracing them I dare assure you, he will be ready to Grant the same protection and encouragement to your people as I have promised on my part.

I must desire you not to communicate intelligence to the Serjt. in your Neighbourhood, unless it be such as requires his immediate assistance in which case he has orders to assist you on demand, in other cases you will be so good to deliver him your letter seal'd and directed to Capt. Molesworth Laggan Achadrom to be forwarded immediately.

Your paragraph relating to Superiors of Lands is of too high a nature for me to examine into the merits of it, I can therefore only assure you that in making my reports, I shall transcribe it word for word, I promise myself that from your Zeal, your prudence and activity I shall receive great assistance in the discharge of my Command here. As for me you shall always find me from Inclination as well as Duty ready to serve and protect you. I am &c.

The paragraph above Hinted at in Mr. Mathieson's letter is as follows:  
 "I will not pretend to prescribe rules, but I think the Superiors, of whom  
 "they hold possession of Lands, and pay rent at other Honest Men's  
 "expence, ought to be the persons oblig'd by Law and Equity to secure  
 "those abandon'd wretches, for sure I am their troubled Consciences led  
 "them to the Hills how soon they heard of your coming to that Country,  
 "and will continue there till your Removal, so that I fear this good design  
 "will be fruitless."

I hope the promise which I have ventured to make to encourage this Gentleman may have your sanction or at least approbation, for without some promises of that kind I believe little service can be done, I imagine that the Liberty of Bearing arms may be a tempting Bribe to those people.

Report. July 22.

. . . . As I am required by my Instructions to give you Immediate Notice, when anything extraordinary happens, within my Command, I send this by express to inform you, of a very daring Outrage Committed, to me by the people of this Country, and I shall do it by transcribing the examination of three soldiers, who had been at Laggan for pay, and provision, and were returning to their Command at the head of Glenshiel, I must premise to you, that the soldiers were all warn'd by me, to be cautious in giving their testimony, as they would probably be Call'd upon to swear to it, in a Court of Justice, which they all declare themselves ready to do.

"John Moffat Soldier in Genl. Guise's Regiment declares, and is ready  
 "to make oath, that on Saturday the 21 of July at three in the afternoon,  
 "he, with George Netherall, and John Salisbury, saw John McIntosh and  
 "another Man, driving a horse, that the said McIntosh was in a tartan  
 "Jacket and Tartan Philibeg, and that they pursued him, and he threw  
 "of his Jacket, and Philibeg and hid himself in a wood, but they  
 "discover'd him by means of his Dog, that as soon as he was taken he  
 "demanded his Jacket and Philibeg and put them on. That they were  
 "bringing him prisoner to Laggan and had brought him seven Miles,  
 "that is to within two Mile of Invergarry, that Many Women Came  
 "about them, offering them Money to release their prisoner, and that the  
 "prisoner himself offer'd them a Guinea, that the Women to the Number  
 "of about twenty, accompanied them to a very thick wood, when on a

"sudden six Men started out, in a narrow path, and immediately seized  
 "their Arms, the Women at the same time Jumping some about their  
 "Throats, others Grasping their Leggs, and thus assisted the Men in  
 "throwing them to the Ground. That the Men took their firelocks from  
 "them, and shook out the priming, and that the Men, and Women  
 "together drew out their swords, and Bayonets, threatening to Murther  
 "them instantly, if they did not take an Oath, which they tender'd them  
 "on a Bayonet, never to attempt anything against the prisoner, whom  
 "they set at Liberty, and then return'd the firelocks threatening likewise  
 "to Murther them if they ever heard, that they went to Laggan to  
 "Complain, or did not proceed Immediately to Achnagarth, the place of  
 "their Command, he says further that the Highlanders beat them severely  
 "when they were down, and Broke one of their Firelocks, also that they  
 "took the Cartridge Straps with which the prisoner was bound, which  
 "they would not return, on any account, he adds that the Laird of Lundy  
 "must know two of the men concern'd, they lodging in the next sheiling  
 "to him, and he being present when they run out and took the Hill, on  
 "the coming up off the party detach'd from me."

George Netheral and John Salisbury, Confirm every Circumstance of  
 Moffat's deposition, and declare themselves ready to take their Oaths to  
 the truth of it.

These three men took a round about way and came to me at five in  
 the morning, giving me an account of what had happen'd as I was not  
 able to go myself and the patrolling officer was out another way, I sent  
 them back to the place with a Corpl. acting as Serjt. and fifteen men, and  
 gave him the following order in writing.

"You are to find out and bring home the men and women concern'd  
 "in the Rescue of the Prisoner taken up by the men of Corpl. Elder's  
 "Party, for wearing the Highland Dress, if you meet with resistance you  
 "are not to fire, unless there is danger of your being overpower'd, but to  
 "make use of the butt ends of your firelocks, or if that is not sufficient  
 "of your Bayonetts, and you are to Publish and make it known, to the  
 "Country People, that to Rescue a prisoner from the Hands of the  
 "Troops is an act of Rebellion, and that I shall for the future treat as  
 "Rebells, those who shall presume to attempt it."

This party has retaken and sent in to me the Prisoner McIntosh who  
 had been rescued, they have also sent in Sanders McDonald, one of the

most active in the Rescue, and four of the women who assisted at it. I sent likewise a smaller party to patrol through the woods, and as I have got the name and place of abode of three more of them, with a Highlander who can give evidence against them, it is probable I shall get some of them, the parties being still in pursuit.

I shall send McIntosh (the offender against the act of parliament) to Inverness to the Sheriff, as the Law directs; but for the other prisoners, which I have taken, or made take, for being concerned in this kind of infant Rebellion, I do not choose to put them into the Hands of the Civil power till I shall know your orders, having no reason to be satisfied with the impartiality of the acting Sheriff of Inverness. I shall therefore request of Gen<sup>l</sup>. Collingwood, to keep them in fort Augustus, where they will be as military prisoners, till I am honoured with your Commands, and beg they may be accompanied with Directions for my future Conduct, in the Like Cases which will very probably often Occur, unless these people shall be deterr'd by a severe example made of the prisoner now taken. As Mr. Collingwood the Last time I sent him a Prisoner, started a difficulty, in relation to the maintaining those who might be sent him, I shall remove that in the present case, by taking it upon me, to pay for their support, tho' I think that need not be very chargeable considering the merits of the prisoners.

I shall demand of Glengarie the persons of the offenders, whose names I have procured if my parties should not come up with them, tho' I shall do this rather to sound his Inclinations, and to fulfill a form, than upon account of any real expectation, I have of his delivering them. I shall also demand the assistance of the Laird of Lundie, above mentioned, in giving intelligence, and pointing out their habitation. I have gone as far or rather further than I think myself authoriz'd by my Instructions, in endeavouring to prevent such an Insult being offer'd to His Majesty's Troops for the future, By assembling all my parties and declaring to them, that whatever soldier should suffer his piece to be taken from him by any number of Highlanders, not having fire Arms, and had not first made use of the shot, that was in it, should be tryed by a General Court Martial for Cowardice

August 2.

On Saturday the 27 I made a March by Night from Laggan to the House of Fraser of Foyers, about two and twenty of this Country Miles,

and surrounded the house about three in the morning, but he was in another place. We found his eldest son, who was indeed in the Rebellion but not excepted, I therefore dismissed him, but brought what Arms I found which was two firelocks, and a silver small sword without a scabbard. The sword appears to have belonged to an ensign of our Regiment named Paterson, who was taken at Fort Augustus and is since Dead. Foyers the son Claimed the Arms from me, telling me he was Qualified by Law to keep them, to which I answered that I should be ready whenever he made his Qualification appear, to restore the Arms to him, it having been hinted to me, that the Father was a very Insignificant Man and below the resentment of notice of the Government, I can't in Duty omitt acquainting you, that in the time of Rebellion, he appeared in quite a different light when he daily aw'd and threaten'd the Town of Inverness, before and some time after the arrival of Lord Loudon. That it was he who attack'd the Lord president Forbes, in his House at Culloden, and that it was to his Charge that the Officers and Soldiers taken at Fort Augustus were Committed, which accounts for the sword above mentioned being found in his house, so the Gentleman seems to have been Scandaliz'd by his Friends and misrepresented through favour.

Notwithstanding the many professions of service made me by Glen-garie, he has neither secur'd any of those men whom I demand'd nor helped me to the names of those who absconded, tho' he promised to discover them, which he must certainly have been able to do.

(Sign'd) JA. MOLESWORTH.

*3rd Subaltern's Command.*

Lieut. Cumine of Genl. Guise's Reg<sup>mt</sup>.

Station. Ruthven in Baddenoch. Head Quarters.

Report.

Nothing extraordinary, but that all the Country is very Quiet.

(Sign'd) ALEX. CUMINE.



*4th Captain's Command.*

Captain Patton of Genl. Guise's Reg<sup>mt</sup>.

Under His Command, one Subaltern.

Station. Head of Loch Rannoch.

Report. July 23.

Nothing remarkable has occur'd since my Last, entire peace being establish'd quite through the District, and I believe we shall have but little to do, before September the usual season for stealing of Cattle. This Moment the party at Kinloch Leven have Brought me a Black belonging to Mr. Stewart of Appin, dressed in tartan Livery, turned up with yellow ; and to-morrow I send him to the nearest Justice of peace.

Aug<sup>t</sup>. 14.

Mr. Menzies of Culdain, proprietor of Glen Lion, having Cattle stolen from him some time ago, by one Cameron of Finnart, one of his servants with the assistance of a party of soldiers from hence, seiz'd and recover'd two Cows, and twenty sheep the 28th Ult<sup>o</sup>.

(Sign'd) HENRY PATTON.

*5th Captain's Command.*

Capt. Ball of Col. Bockland's Reg<sup>mt</sup>.

Under His Command, 2 Subs.

Station. Inversnade Barracks.

Report.

Nothing extraordinary since Last report.

(Sign'd) THOS. BALL.

*6th Captain's Command.*

Capt. Edhouse of Genl. Pulteney's.

Under his Command, 1 Sub.

Station. Brae Marr Barrack.

Report. July 21.

I mentioned in my last my having sent to Aberdeen Goal one Donald Stewart, committed by Capt. Forbes for wearing part of the Highland

Dress, the Goal keeper gave a receipt for him, but immediately they Bail'd him out, and the man was at home before the party. My Serjt. took up likewise another man, in his way to Aberdeen and carried him before a Justice of peace who set him at liberty also, he had on a Tartan Coat with a waistcoat under it, in short the Justices in this Neighbourhood seem to pay little or no regard to the act of parliament except Capt. Forbes, therefore intend sending the next to perth.

Aug<sup>t</sup>. 12.

As we have had a Continued Rain since Last report my party could not patrole, I understand there is a great many arms yet in this Country, I have made all the enquiry I can but as yet have not been able to find any of them, there has been no Cattle Stolen or anything extraordinary with this district.

(Sign'd) SAML. EDHOUSE.

*7th Subaltern's Command.*

Ensign Rutherford of Genl. Pulteney's Regmt.

Station. Corgarff Barracks.

Report.

Nothing extraordinary.

(Sign'd) RO. RUTHERFORD.

*Report of Lieut. Ogilvy of Genl. Pulteney's Regmt. At Tomantoul  
detach'd from Strathbogie.*

July 26, 1750.

I have received information that one Stewart that is in y<sup>e</sup> French Service was in this Country listing men about three weeks ago, it is reported he listed some men and march'd with them with an intention to ship them at Leith for France, they tell me he wears a Black Cockade and has a Dutch pass and that when he is in Scotland, he lives mostly at Grants y<sup>e</sup> priests, but as all the people in the Country are Roman Catholicks it is impossible for me to get almost any intelligence, and on account of my taking up the priest, they tell me that they are so much enraged against me, that they say they want ohly an opportunity of being revenged. I likewise received information, that one John Grant

brother to Grant of Blairfindie in Glenlevitt lists men for the french Service, I am likewise informed that this Grant was in Lord Loudoun's Reg<sup>mt</sup>. and was with Gen<sup>l</sup>. Cope in the North, but deserted and joined the Rebels, but I have no proof of either of his listing men for the french or his being a deserter, as I am inform'd that Grant lives Constantly at his Brother's house, I shall do my best endeavours to get proof against him, so that I may apprehend him. I am this moment inform'd by Tho<sup>s</sup>. Roye soldier in Lord Drumlanrick's Reg<sup>mt</sup>. of Scotch Hollanders who was sent to me by Corpl. Ross before he went to Strathbogie, that one Will: Gowe came into his Quarters this morning, at the Cabrach, in full Highland Dress, that he challenged him for wearing the same contrary to act of parliament and told him he was to go prisoner, on which the said Gowe refus'd to go with him, struck the Corpl. in the execution of his Duty. Thos. Stables soldier coming to the Corpl.'s assistance, the s<sup>d</sup> Will: Gowe knock'd him down, and immediately a Mob rose and threatened the Corpl. and his party, ordered him not to meddle with Gowe otherwise it should cost them their lives, upon which the Corpl. and Stables, fir'd upon Gowe and wounded him in such a way, that it is thought he cannot recover, immediately the Mob join'd and Corpl. Ross and Stables thought proper, to make the best of their way to Strathbogie. I have ordered the party at Achnasera, to join that at the Cabrach, to keep good order ; as they are all Roman Catholicks in that Country.

(Sign'd) DAVID OGILVY.

*Report of Capt. Sharpe of Lord Bury's Reg<sup>mt</sup>. In the Braes of Angus.*

Aug<sup>t</sup>. 1, 1750.

I have received information that one Stewart, who carry'd over to france several recruits in July 1749 has been lately, and is supposed to be about Braemar and Cromar, under Different names, which so soon as I get with a description of his person, shall be sure to make a report of the same.

Aug<sup>t</sup>. 17.

Having obtained information of John Linsey, and Robert Linsey's, Singing disloyal Songs, and Drinking the pretender's Health, both in the Parishes of Clova and Cortachie, sent a party of a Sergeant and 4 Men

in the night to Seize them, but were both from home, however Robert Linsey has given Security, for his appearance at the Quarter Sessions to take his tryal. As for John Linsey he absconds, having drank Confusion to His Majesty King George, and all his men, but am in hopes I shall yet Catch him.

The Serjeant at Loch Lye took a man with a plaid, and carried him before a Justice of peace, who finding it to be a Girl's plaid, let him go after fining five shillings for putting it on. As yet I have not got Stewart's names or the Description of his person, but have heard that he had a Dutch recruiting order when he rais'd men in 1749.

(Sign'd) HORO. SHARPE.

A Copy. Charles Collier, Aid-de-Camp.

Aug<sup>t</sup>. 24, 1750. Sent to Col. Napier Aug<sup>t</sup>. 25, 1750.

#### REPORTS OF THE CAPTAINS AND OFFICERS ON THE HIGHLAND POSTS.

##### *1st Captain's Command.*

Capt. Swettenham of Gen<sup>l</sup>. Guise's Reg<sup>t</sup>.

Under his Command, 4 Subs.

Station. Head of Loch Arkeg or Glen Lioigh.

Report. Aug<sup>t</sup>. 27, 1750. Glen Lioigh.

Lieut. Maxwell Commanding at Tray in South Morra reports that his patroles from Kinlochroom saw a man in Arms, but on the fellow seeing them he made of to the Mountains, but was pursued so Close, that he was oblig'd to throw down his firelock which they took up but could not come up with the man, it is a Tower Piece and in very good order, nothing extraordinary from any other Posts.

Sept. 7.

Lieut. Maxwell being inform'd that some people with Arms, were seen in his district, he went in pursuit of them through Arrasaik the two Morras Knydart and part of Glen Lye, he at last came up with three men who had arms, but pretended a rite to carry them, one was McLeod of Arnisdale an except officer his Brother is an officer in the Dutch

Service and the third a servant of Arnisdale, the Brother produced a permitt sign'd Norman McLeod and informs me that several men carry arms in his neighbourhood with such permitts, one sign'd Eneas McIntosh which was in the Custody of one McDonald son to the Late Keppoch who Lt. Maxwell apprehended with a pistol by his side—he adds that the hall at Kinlochroom was quite in Ruines and that Mr. McLeod refusing to repair it, he is under a necessity of getting it done himself.

Ensign Cay Commanding at Strontian has sent me a List and description of five Cows which were stolen from Kingerloch given him by that Laird to be distributed among my Party. Nothing else extraordinary.

(Sign'd) JOHN SWETTENHAM.

*2nd Captain's Command.*

Capt. Molesworth of Genl. Guise's Regmt.

Under His Command, 2 Subs.

Station. Laggan Achadrom.

Report. Aug<sup>t</sup>. 14, 1750. Laggan.

On the third day of August I sent a Guide disguis'd as a soldier to Ensign Wakeman Commanding at Glenmoriston directing him to march to Achnoronnorin a noted receptacle of Thieves, about eight Miles from hence, and to surprize it by Dawn of Day, which he effected, bringing prisoners to me, Donall McDonall who Confesses himself of the Gang, but they miss'd taking Hugh McPhall against whom I principally design'd the party, he being the Captain of them. On the 5 Ensign Wakeman took up John Mcmillan upon an information given to me of his being a thief, I have sent McDonall to Inverness Goal with two evidences against him, but keep Mcmillan here, till I can procure proofs, without w<sup>h</sup> it would be in Vain to send him to the Civil Magistrate, so that unless I perform the office of a Lawyer in Collecting evidence against these Rogues, (a thing almost Impossible in this Country) my being dilligent in securing them is of small service. In the Report of Ensign Wakeman from Glenmoriston are these Words, "Corporal Turnbull Informs me that "when he went to deliver your letter (to the Laird of Chisholm) he saw "Chisholm's servant with a Kilt on who upon seeing the Corporal Ran "upstairs, and that when the Laird came he acquainted him of it, and

"demanded the Man to be deliver'd to him, he made answer that he "would not Cringe to him, nor to the best officer in the army and sent "him away with that answer." I thought it proper to report this circumstance tho' trivial in itself upon comparing it with two others relating to the inhabitants of Strathglas, the one is, that Corpl. Turnbull reported some time ago to me their assembling to hear a Nonjuring minister, upon which I ordered him to disperse the assembly, but not to beat the minister. And the second that upon his apprehending a prisoner the people ran together, and told their Laird in hearing of the Corpl., that they were strong enough to rescue the Prisoner if he approved of it, which at that time it seems he did not, but order'd them to seperate, this will serve to show you what kind of spirit yet remains in this Country. I served yesterday the Warrants from the Sheriff of Inverness, Mr. Scrymgeour, for apprehending the person concern'd in the Late rescue upon which I sent out parties to pay his Warrant a Compliment well knowing that the men were fled above three weeks ago. In my Humble opinion if I had been authoriz'd to proclaim a reward for apprehending them, it might have had good effects, I have done nothing in relation to the Post of Councie, mentioned in my last as you did not signify to me your approbation of that scheme, the Post of Strathcluny would certainly be much eased in their Duty which the weather now renders very painful if a party were stationed there. The report brought to me of the Sheriff substitute having enlarg'd the prisoner McIntosh whom I sent him, was a Mistake, my Serjt. having been purposely Misinform'd by a Rascally Lawyer call'd John Shaw who was employ'd for McIntosh, I promise Mr. Monro the substitute to do him the Justice of setting this particular in a right light and I promis'd him at the same time to report the Manner of his using me, in relation to one of the Women Concern'd in the Rescue some ill designing people had spirited her up to prosecute me for detaining her tho' I have three evidences of her being guilty and the Sheriff without ever acquainting me as is commonly practyced granted a summons against me. As soon as he heard the Lord Advocate had undertaken the prosecution, he recall'd his officer by express, so that I was not served with it as he intended. I owe it to his fear of the Lord Advocate only that he did not proceed to Greater Length with me which must have been very detrimental to the service here, but as he sufficiently show'd the Motive of his Intention, I think it proper to let him be known to you.

I received no direction from the Lord Advocate, by the express which you return'd to me, so presume he has none for me. Saunders McDonell one whom I depended on as an evidence in the affair of the Rescue is Spirited out of the Country which it was impossible for me to prevent I shall endeavor to recover him before the 5. of Sept<sup>r</sup>. but if I should not I have three soldiers are ready to be produced.

The weather continues excessively bad, the Rivers frequently impassable, so that I am forced some times to receive reports tyed to a stone and thrown across the River.

Aug<sup>t</sup>. 20.

I have taken in Baddenoch two horse stealers Viz: John Roy McKillichinich and James Grant, of whom I got information about ten days ago, they having stolen two horses from Strath Errick. The latter says he can vindicate himself but accuses the other. I have sent them both under a Guard with a Justice warrant for their Committment, this Warrantt was transmitted to me by Lieut. Cumine. One motive for my going through Baddenoch was my having been inform'd that McDonald of Lochgary with another attainted Rebel had come the length of Gavimore, and stay'd there one night being met by some people of that Country to whom he distributed letters from abroad and to whom they gave assurances of a change of affairs to be brought about the 2d of October next. I was in hopes to have got more light into this affair if not to have mett with Loch Gary himself but upon enquiry I found reason rather to believe the whole story forged tho' in general I may venture to assure you that no pains are omitted to keep up the spirits of the Jacobites and that not only promises but money is distributed for this purpose. Ensign Wakeman from Glen Moriston has sent in John Carne a cow stealer as soon as I can procure evidence against him I shall send him to Inverness.

Sept. 13.

Since my last report everything has been quiet in these parts, no thieves stirring nor men in Highland dress excepting two in Strathglas who were pursued by my party there, they escaped leaving their Plaid behind them. The prisoner I mentioned in my last taken at Glenmoriston is sent to Inverness and with him sufficient evidence so I am acquainted by the Sheriff of his Committment who likewise writes me word that the four prisoners concern'd in the Rescue are admitted to Bail the Lord

Advocate having thought proper to postpone their Tryal suspecting the partiality of an Inverness Jury. I presume his Lordship when you see him will explain this affair to you more at Large than I am able to do, and as I do not enter into the reasons of it, it will not become me to comment upon it further than to say it gives great spirits to my Neighbours here who want no encouragement to be insolent. I hope you will not think this delay occasioned by any neglect of mine having sent down the witnesses in due time and done everything else which was required at my hands.

(Sign'd) JA. MOLESWORTH.

*3rd Subaltern's Command.*

Lieut. Cumine of Genl. Guise's Reg<sup>mt</sup>.

Station. Ruthven in Baddenoch.

Report. Aug<sup>t</sup>. 11, 1750. Ruthven.

Thursday last my patrolling party apprehended a man in the Highland Dress, one Francis McBean in Danmanglass, which I brought before a Justice of peace who committed him to the County Goal.

Aug<sup>t</sup>. 25.

Last week I made a search for Arms in the neighbourhood, I only got two old Broadwords, two Durks, an old stager, and a fuzey, all in an old outhouse, and the people whom the houses belong'd to declar'd that they did not know anything of the arms being there.

Sept. 8.

About ten days ago I had information of two horses being stole from a man in Strath Errick which Horses we have got, and by a warrant from a Justice of peace apprehended the two following thieves, viz. : John Roy McKillichinich and Jas. Grant who own'd that they had stolen the said Horses at Gavimore, as Capt. Molesworth was there he sent the party along with the prisoners to fort augustus, from thence they were sent to inverness. There were two Horses stole about two months ago from this place but they were found in the Braes of Athol some weeks ago, we can get no intelligence of the thieves. Capt. Molesworth and I have appointed our parties at Garvimore and Dalwhinny to meet once a week at Cross in hands and in the Hills that ly most Contiguous to that place.



Sept. 15.

A Wednesday morning I got certain intelligence of men being seen with arms in the shealing in Straandhalrick belonging to Mr. McPherson of Killyhantly twelve miles South from this, and had taken provisions such as Cheese, Butter and Meal, from the people in the Shealings by force, there dress was a long Grey coloured Coat and under that each of them had a hostler (holster?) with a pistol in it and a durk by their side with a large stick in their hands the number was four, and three more were seen the Saturday before, so soon as I had received the information, I sent expresses of to the parties that were stationed in the places most probable they would return with their prey, with orders to them to patrol for some nights in the passes that I had mentioned to them in my letter. My Dalwhinny party the night they received my Orders patrol'd to Loch Avach and Loch Lagan, where they found four horses tyed together that belong'd to one Donald Stewart in Dalwhinny, they were stole from him Saturday night last, the thieves they could not see, there is very great reason to believe they were not far off, those two lochs are the greatest passes for thieves to drive their Cattle through in all the Country. I have been out myself with a party of men for these several nights in search of these thieves and cannot as yet light upon them. Yesterday I took up one John McPherson for wearing the Philibeg, and sent him into Inverness this day by a warrant from a Justice of peace.

(Sign'd) ALEX. CUMINE.

*4th Captain's Command.*

Capt. Patton of Genl. Guise's Regmt.

Under His Command, 1 Sub.

Station. Head of Loch Rannoch.

Report. Sept. 5, 1750. Invercomery.

The 28 Ulto. a party from Dalnachadoch went in pursuit of some Lochaber Thieves who had stolen four horses from one Stewart who lives in Banrannach, and after five days pursuit took Cameron the thief prisoner, and recover'd one of the Horses near Fort William, and as they were returning with him; the poor soldiers not believing that Stewart's View was to Compound the felony, very Idly suffer'd the thief and he to

go some distance from them, and after the Villain had given him his demand, he suffer'd him to make his escape so far before he Call'd for help, that it was out of the parties power to retake him.

(Sign'd) HENRY PATTON.

*5th Captain's Command.*

Capt. Ball of Coll. Bockland's Regiment.

Under His Command, 2 Subl.

Station. Inversnade Barracks.

Report. Sept. 16, 1750. Inversnade.

Nothing extraordinary, but the patrolle from the Bridge of truk saw a man with a Plaid which they pursued, the man got from thence but left his Plaid.

(Sign'd) THOS. BALL.

*6th Captain's Command.*

Capt. Edhouse of Genl. Pulteney's Regmt.

Under his Command, one Sub.

Station. Brae Marr Barracks.

Report.

Nothing extraordinary. No thieving, or Men in the Highland Dress.

(Sign'd) SAML. EDHOUSE.

*7th Subaltern's Command.*

Ensign Rutherford of Genl. Pulteney's Regiment.

Station. Corgarf Barrack.

Report. Augt. 27, 1750.

I thought proper to acquaint you, that I have had Information, there are some officers in the french Service in the Country, and shall wait your Orders how I shall act in respect to them, I hear one of their Names is Joseph Stewart, son to one Stewart of Barlar, the Earl of Aboyne's forrester, I have not yet been able to get any Intelligence of their Recruiting, though I have us'd my utmost endeavour for that purpose.

(Sign'd) RO. RUTHERFORD.

*Lieut. Ogilvy of Genl. Pulteney's Regmt. at Tomantoul. Detach'd from Strathbogie.*

Reports nothing extraordinary.

(Sign'd) DAVID OGILVIE.

*Capt. Sharpe of Lord Bury's Regmt. in the Braes of Angus.*

Report. Nothing extraordinary.

(Sign'd) THOS. SHARPE.

This Command was Order'd to join the Regiment the beginning of this Month, which they have done.

A Copy. Cha: Collier, Aid-de-Camp.

Edin: September 23, 1750. Sent to Mr. Fox the 25th.

#### REPORTS OF THE CAPTAINS AND OFFICERS ON THE HIGHLAND POSTS.

##### *1st Captain's Command.*

Captain Swettenham of Genl. Guise's Regiment.

Under His Command, 4 Subalterns.

Station. Head of Loch Arkeg or Glen Lioigh.

Report. September 24, 1750. Glen Lioigh.

Lieut. Maxwell in His letter of the 20 Instant, Complains of McLeod of Arnisdale mentioned in my Last, as harbouring and concealing an attainted Rebel, viz: the eldest son of Barrisdale notwithstanding the said McLeod is an officer in the Excise. I thought it my Duty to Inform you of this, he reports nothing extraordinary.

Ensign Cay from Strontian reports all well in his district.

Ensign Patton from Glenfinnan, reports nothing extraordinary.

Ensign Irving reports that in his patrol he mett nothing extra—only saw two men with Phillibegs on, whom he persued, but they getting into a Hutt, mixing with others and Dropping the Phillibeg before he could

get in, he could not prove who wore that Dress, however in order to Terrify them he seiz'd on two Men, pinion'd them and march'd them away prisoners, and after some time dismiss'd them as he had no Proof. The Sergeant Commanding the party at the Head of Loch Arkeg sent me a younge mare on the 16 which was brought to him by Cameron of Glen Dessery w<sup>ch</sup> was a stray. The Serjt. kept it three days, giving proper intimation to the adjacent, but nobody Claiming it I deliver'd it to the Sheriff substitute at Marryburgh.

Oct. 8.

From the officers commanding the sundry posts in my district I have reports that nothing extraordinary has happen'd.

(Sign'd) JOHN SWETTENHAM.

*2nd Captain's Command.*

Captain Molesworth of Genl. Guise's Reg<sup>mt</sup>.

Under His Command, two Subs.

Station. Laggan Achadrom.

Report. Sept. 27, 1750. Laggan.

On the 18 of this Month my Party apprehended John McShadrack in the Braes of Glengary, and sent him to the Sheriff of Inverness with a Justice's Warrant for his Committment being charged with Stealing Cattle.

On the 19th I received accounts, that persons Arm'd and in Plaid to the Number of fifteen had appear'd in Strathmashie and a smaller party in Glen Banchor also that four arm'd with Durks and pistols had Robbed a sheiling twelve Miles from Ruthven, of provision which is their usual way of providing for a March I heard likewise that a party, probably the same, had been seen on the Hills near snug borough, and that they design'd to push through Rannoch, for England with any acquisition they should make avoiding the fair at Crief, I immediately dispatch'd an express to Capt. Patton Commanding in Rannoch with these accounts, and ordered the patrolling officer to march by Glen Roy, Glenspean, and the South side of Loch Laggan to Strathmashie and to visit Garvemore, Dalwhinny, Glentryme and Glen Banchor he was further ordered to pursue them if he found their track wherever it might lead him, he had a Serjt. and 14 Men with him for this service, and I with 6 Men joined

the Party at the Head of Glen Spean as the properest post to intercept any that might slip by the patroll in case they are driven back from Rannoch. but after 4 days patrole, and Lying all night in the passes on the Mountains we could not get any Intelligence of their motions so that I think it probable they dispersed on the first notice of our march. The Men under my Command continue healthy notwithstanding the severity of the service, and I have set up a convenient Hutt sixty foot in Length for Lodging the Moving patrole who had before scarce any dry Lodging after their fatiguing Duties. This had been done sooner but for the untractable disposition of the Country people here, some of whom have begun a suit against me at Inverness for pressing their horses and tools toward expediting the work which was at first undertaken at their own request, as it would ease them of the Burthen of Quartering Soldiers. I am advised to procure an Advocation to remove the Cause to Edinburgh, which method I shall pursue when they have served their summons on me, which they have not yet done.

I have long forseen that my endeavours to advance His Majesty's Service here, as they could not be agreeable to these people, would become an object of their utmost opposition and a fund of uneasiness to me.

I hope however, that they will not be able through any misrepresentation, to induce your belief, that I have acted otherwise than for the interest of the service to the best of my judgment. To be approved as an officer is my principal View and with regard to the Law, if they bring this matter to a Tryal I hope it will be found, that I have much to offer in my vindication.

Oct. 11.

On the 29 day of September the party at Strathglass apprehended Archibald Chisholm in Glencannick of Strathglas, wearing the Phillibeg, and he is at my instance committed to Inverness Goal for six months. The day following a young fellow in full Plaid was pursued by the said party on their patrole, and to avoid them attempted swimming a Loch and was drown'd the ill-disposed people of the Country hereupon invented a story to throw odium on the Soldiers importing that he was shot by the men in the water, but so entirely groundless was their assertion that the inventors themselves wanted the confidence to repeat it. Oct. 4 the party in Laggan assisted by a Guide procured from Urquhart apprehended John Cameron of Brigath in Glen Roy charged with theft

by Alex. Grant, Esq. I have deliver'd the prisoner to Inverness Goal and the above Mr. Grant is bound to prosecute him. I must here observe to you that the several Complaints of thefts which I have reported to you, have reference to a time before the party took its post, not four Cows having been stolen since the 22 May in the whole district, and some few horses which have been most part of them recovered and delivered to their owners.

As I informed you in my last that a Prosecution was begun against me, for pressing tools and horses to build a Hutt for the Soldiers, which I did by allowance and desire of Glengary the superior of the Ground I must now acquaint you, that the said prosecution has been carried on with all the Virulence which might be expected from the known disposition of the people here. They served a Criminal Summons against me, my Serjt., Corporal and 4 Soldiers of my party, and though I did not think proper to order them to repair to Inverness which would have gratified the pride of their accusers and frustrated the end of their being stationed here, I nevertheless went myself to Inverness, both to shew a proper respect to the Court of His Majesty's Sheriff, and to take care that the Cause might be put into proper Hands, and not suffer thro' Neglect or Mismanagement, I answer'd for the whole in Court, and produced my reasons for the non-appearance of the men which were admitted by Mr. Monro the Sheriff substitute the Lawyers against me pour'd out many threadbare invectives against officers of the Army, and demanded a high pecuniary Mulct but as I was advised by the Council I employ'd that there was an Illegality or rather a Nullity in the form of my adversary's proceeding I thought fit to insist on that, that so their lawyers might be deprived of their darling topick of abusing the Army, as they could not proceed on an enquiry into the Merits of the Cause, tho' I offered to stand to a precognition properly taken and to remitt it to a jury which they refused, hereupon the Sheriff dismissed all parties, and deserted the dyet they now threatened to remove it before the Lords, and to punish the Sheriff also, to whom in Court they did not scruple to offer the most insolent indignities. I am taking the proper precautions in case they persist in their design and shall send by this post to Major Lee the authentick extract of the proceedings of the Sheriff's Court, that he may employ some proper person to act for me at Edin : I hope I shall appear to (have) acted in such a manner as that the Service shall incur

no disgrace thro' my means, sure I am that all Honest and well disposed people in these parts do most thankfully applaud the disposition of His Majesty's Troops here and are not wanting in acknowledgements, to those honoured with the execution of his Orders for my part I think it a misfortune to be accused, but I count it a happiness to be disliked by such as are my adversaries in the present Cause.

(Sign'd) J. MOLESWORTH.

*3rd Subaltern's Command.*

Lieut. Cumine of Genl. Guise's Regiment.

Station. Ruthven in Baddenoch.

Report. Sept. 29, 1750. Ruthven.

I have not as yet heard any thing of those Thieves that I mentioned to you in my Last, although I have made all the search Imaginable after them ; I am of opinion that they have returned home again without doing any harm, as I have not heard of anything being stole, for they could not Conceal themselves so long in the Country without being heard of, my patrolling party returned yesterday, they found everything quiet and not any Intelligence of Thieves.

Oct. 13.

I have heard for these ten day past of a good many Thieves being in the Hills towards Stratherick they have been so lucky as yet, to have kept out of the parties way. I have information from my Corporal that is Quartered at Dunmanglas in Stratherick of three Cows being stole from his Landlady the 6 Instant, the party and the owners have been in search of them ever since, and have found the track, in the Laird of Gortherick's Lands, and can't bring it out of that, so it is Imagin'd that some of his people has stole them, if Gortherick cannot free his Ground of the track, I am told he will be oblig'd to pay the Cowes. The owner has sent to me, to know what she should do, in the affair, and I am at a loss to know what advice to give her, or to do anything in it, as my orders don't mention any thing of such Casses. This is the only Cattle I have heard of being stolen, that has not been got again. My moving patrolle is Just returned from patrolling this week past in the Hills of Glen Mashie, Stranlarg, Glen Killen, Glen Magerore(?) all in Stratherick and Strathnairn,

which are the most suspected places, and the greatest passes, for the Thieves to be in, in all the Country. The party did not see or hear of thieves being there or Cattle stole, but those from Stratherick. My parties are out every other night guarding, the most suspected passes, and this day fortnight my dunmanglas party patrolled to the Shealing of Linney Cluck, in the Glen of Mashie, ten Miles south of Dunmanglas, it was night before they got to the Glen, and when they got pretty near the shealing, two men came out in arms, and run past the party, upon which they fired several shot after the fellows and Cry'd to them to stop, one of them fell down but soon got up again, and left his arms behind him, the Corporal Imagin'd he was wounded, because he had left his Gun in the place he had fallen, both the fellows ran into the wood that was in the Glen, the party pursued but the Night turning dark, could make nothing of them, so they guarded the wood all night, and search'd the next Morning all in Vain, for they have not been able to hear anything, then nor since of them, the guide the party had with them told the Corporal, that they must be Thieves, for no other people, stay'd in that part of the Glen in this Season of the year, it being the most dangerous pass in the Highlands for thieves, when the party return'd to the shealing, they found a very good fire, the fore Quarters of a (steer?), and two Highland Plaids, which was all the things, that were in the shealing, nothing else extraordinary since my last, I have put all my patroles upon my Guard, this being the most dangerous time in the year for Thieves.

(Sign'd) ALEXR. CUMINE.

*4th Captain's Command.*

Captain Patton of Genl. Guise's Regmt.

Under his Command, one Sub.

Station. Head of Loch Rannoch.

Report. Oct. 2, 1750. Invercomry.

The party at Kinnachan Bridge apprehended one Stewart habited in Tartan Kilt, and Phillebeg, whom I have this morning sent prisoner to the Sheriff substitute at Killin.

Lieut. Forster is just return'd from Patrolling all round the different Quarters, and has heard of no stolen Cattle nor any kind of Thieving within the district, or any excepted Rebels lurking in this Country.

(Sign'd) HENRY PATTON.



*5th Captain's Command.*

Capt. Ball of Col. Bockland's Reg<sup>mt</sup>.

Under His Command, 2 Subs.

Station. Inversnade Barracks.

Report. Oct. 6, 1750. Inversnade.

As the parties from Glen Falloch and Stonachlocher were patrolling through Glen Gile on Thursday, 4th Inst., they saw two men in the Highland Dress one of which had a Gun, driving 12 head of Cattle, on the parties going towards them, the men took to the Mountains, which gave suspicion they were stolen, the Copl. drove them to the Laird of Glen Giles, who own'd eleven of them and the other is left with them, no extraordinaries has happen'd.

(Sign'd) THOS. BALL.

*6th Captain's Command.*

Capt. Edhouse of Genl. Pulteney's Reg<sup>mt</sup>.

Under His Command, 1 Sub.

Station. Brae Mar Barrack.

Report. Oct. 7, 1750. Brae Mar.

I sent a Corp<sup>l</sup>. and 4 Men into Glen Ilbay(?) to a place Call'd Kirkmichael, having received a report that six head of Cattle was taken out of that Glen belonging to four different people but they did not acquaint my Sergeant at Glen Shee of it till about eight Days after the Cattle were missing and at the same time the owners did not think them worth following, as they pretend they should Loose getting in their Harvest, my patrols went round all the district and made all the enquiries they could but did not get any account of their being any Thieves seen in this part of the Country, found no Arms or seen any in a dress contrary to Law. Nothing extraordinary, and by what I can learn by the Gentlemen of the Country that at this time of the year the Cattle often stray away and will be missing for a Considerable time, and yet they will find their way back again.

(Sign'd) SAML. EDHOUSE.

*7th Subaltern's Command.*

Ensign Rutherford of Genl. Pulteney's Reg<sup>mt</sup>.

Station. Corgarff Barrack.

Report. Oct. 12, 1750. Corgarf.

One of the Soldiers of this Garrison, had his fingers Cut very desperately by a fellow in the Country on Wednesday last, the soldier says it was because he would not Drink the pretender's health, but the fellow denies that, however I sent a party, and had him apprehended at night, and he was sent to Justice of peace who has order'd him to find Bail to stand his trial on Monday next.

(Sign'd) RO. RUTHERFORD.

*Lieut. Ogilvy of Genl. Pulteney's Reg<sup>mt</sup>. At Tomantoul. Detach'd  
from Strathbogie.*

Report. Nothing extraordinary.

(Sign'd) DAVID OGILVY.

A Copy. Cha: Collier, Aid-de-Camp.

Edin: Oct. 24, 1750. Sent to Mr. Fox, Oct. 25, 1750.

REPORTS OF CAPTAINS AND OFFICERS ON THE HIGHLAND POSTS.

*1st Captain's Command.*

Capt. Swettenham of Genl. Guise's Reg<sup>mt</sup>.

Under His Command, 4 Subalterns.

Station. Head of Loch Arkeg or Glen Lioigh.

Report. Nov. 5, 1750. Glen Lioigh.

Lieut. Maxwell from Tray, in Morarr, informs me, he has made several attempts since last Report to send out Patroles, but they were prevented by the Snow, and with much difficulty returned to Quarters. He adds, that he is assured that it will not be in his Power to patrol any more this season.

Authoriz'd by the Route brought by last post, I have sent Mr. Maxwell Orders to repair w<sup>th</sup> his Party forthw<sup>th</sup> to F. W<sup>m</sup>., as his present Situation is such that he is liable to be intercepted by the Snows, which fall very thick every night. From the other Posts in my District I have nothing extraordinary, but the general Reports of the weather's becoming inclement. However as none are absolutely prevented patrolling, except Lieut. Maxwell I have not call'd any other in, and shall make a proper Use of the Discretionary Powers confer'd on me by the Route.

Nov. 19.

On the 15 Inst. All the Parties under my Coānd arrived safe at F. W<sup>m</sup>., except Lieut. Maxwell, who with his Detach<sup>mt</sup>. came in the day following. They brought me nothing extraordinary to report.

(Sign'd) JOHN SWETTENHAM.

*2nd Captain's Command.*

Capt. Molesworth of Genl. Guise's Reg<sup>mt</sup>.

Under his Command, 2 Subalterns.

Station. Laggan Achadrom.

Report. Oct. 25. Laggan.

Since my last Report, nothing extraordinary has happen'd on my Command. I have sent to most of Gent<sup>m</sup>. round the Country, who have no Complaints of Cattle lost. The Snows w<sup>h</sup> have fallen for 4 Days past, have put me into some pain, as to the Communication between the different Posts.

Nov<sup>b</sup>. 9th.

Since my last report, nothing has been done, excepting the Taking of Donal MacPhie, alias Cameron, the most noted Thief in the Highlands, and therefore call'd here the wolf. He was surpriz'd at a Town call'd Badendoch, upon the River Quich, at 12 at Night. I have sent him to Inverness, and tho' I doubt whether he will be capitally prosecuted, yet his being in Plad, and Arms will suffice for a reason of keeping him 6 Months in Prison.

Nov<sup>b</sup>. 16th.

Pursuant to a Route rec<sup>d</sup>. from you, on the 15th Day of Novr. I marched from Laggan having collected all my Parties from their Posts and sent to F. Augustus, such of the Parties as belong'd to the 4 Comps.

there ; The Party going to F. Augustus met with a man in a Philibegg, servant to McDonald of Leeke, and carried him Prisoner to F. Augustus. The Party at Lounkie rescued four Cows belonging to Strathglass w<sup>h</sup> the Thieves were driving that way, not suspecting the Party was there. The Thieves escaped by means of an adjacent wood. The Thieves of Note whom I leave in the Country are John Kennedy, called Bricke, or Pocke or Pocpitted. He is a Deserter from the British Service ; middle siz'd, sandy hair, strong made, and speaks a little English. His house is at the Bank of the River Glaster near Killenann, about a Mile to the Westward of Laggan and a little to the Northward of Loch Lochky. He has sometimes his Residence over ag<sup>st</sup> the place just described, upon ye South of the Loch at his Sisters. He has also a lurking hut in the MacMartins Wood about 3 Miles to the Westward of Laggan, and within a mile of Letterfinlay. He sometime haunts a Town called Badendock upon the River Quick. His age is about 35 and he is the most subtle, most desperate, and most famous Thief in the Highlands. He goes always arm'd. The next is MacArthur of Glen Luigh, Senior, a Deserter from L<sup>d</sup>. John Murray's Reg<sup>t</sup>. He was nearly taken by one of my Parties, and since that took the Hills. He is a strong middle aged man, his Brother lives in Glen Luig, and is a Deserter from Drumlanrig's Reg<sup>t</sup>, but I have heard nothing of his thieving. Alister Dow or Black Cameron is a Lad of about 24, pretty tall, but clumsy made, well-faced with black eyes and hair. He resides sometimes in Glen Luig, sometimes in Glen Roy, tho' young he has been long a thief. John McDonell, nephew to the above Kennedy, and his pupil. He is young, tall, and well-look'd, with light hair. He always rob'd in Comp<sup>y</sup>. w<sup>th</sup> Kennedy, and lately the other 2 have associated with him, the whole being under the direction of Kennedy. Ewin Oge and John Oge and McPhie at Glen Kinna, five Miles from Ballachen upon the River Quick, are of some note, they stole from about Kintail, and drive generally into the Brays of Loch Arkeg. I am not able to describe their Persons.

(Sign'd) JAMES MOLESWORTH.

*3rd Subaltern's Command.*

Lieut. Camine of Gen<sup>l</sup>. Guise's Reg<sup>t</sup>.  
Station. Ruthven in Badenoch.

Report. Oct. 27. Ruthen.

The Cows I mentioned in my last Report that were stolen out of Strathkerry, were got the 16th Current, near y<sup>e</sup> Wood of Lough Beg in Glengary. The two men that stole them were Kennedys belonging to that Country, and Capt. Molesworth's Party as I inform'd anew, are now in search of those men. There were 5 Oxen stolen the 14 Current from John Mcpherson at Dalwhinny; but they were got again at Loch Laggan. This is all the Theft I have heard of since my last. We have had in this Country for this fortnight past continual Frost and Snow, which makes it impracticable for the Patrolling parties to travel through y<sup>e</sup> Hills or my out Parties to meet. I am informed by y<sup>e</sup> People in the Country, that my Parties can't patrol on the Hills any more this Season.

Nov<sup>b</sup>. 10th.

I was favour'd, Wednesday last, with y<sup>r</sup> Orders to march into Winter Quarters. I have the pleasure to acquaint you, that since my being stationed here there has been no Cattle stolen from any Pson, but what have been recovered. As to Conceal'd Arms I never had the least information of any being in the Country. I have laid myself out, ever since I came here, to get Intelligence of any attainted Psons, but never could be able to get any Information. The Country is and has been very peaceable and quiet.

Nov<sup>b</sup>. 19th.

According to y<sup>r</sup> Orders I marched the Detach<sup>mt</sup>. under my Cōand from Ruthven the 15th Inst. to Quarters. All in good Health. Nothing extraordinary has happen'd since my last.

(Sign'd) ALEXR. CUMINE.

*4th Captain's Command.*

Capt. Patton of Gen<sup>l</sup>. Guise's Reg<sup>t</sup>.

Under his Command, 1 Sub.

Station. Head of Loch Rannoc.

Report. October 16. Invercomry.

As it has been an ordinary practice for y<sup>e</sup> Highland Drovers from their return from Crief fare, to steal Cattle from the Low Country w<sup>ch</sup> they were accustomed to drive by the Head of Loch Tay and Lion, and by the important Pass at Cam, half way between this, and Augh Chalada,

a large Village near Dillebegg, I therefore sent a Serj<sup>t</sup>'s Comand who rear'd up a Hut for themselves where they remained three weeks, but never got the least notice of any Thefts committed thereabout, nor have I in any part of my district but, as I apprehended so great a No. of People returning from Crief Fair might steal Cattle somewhere, and being pswaded they would purposely avoid all the Passes, where our Soldiers are station'd I therefore judg'd it expedient to set all the different parties in motion, as the Patrolling Parties had certainly the best chance of meeting with them, but to no purpose.

Nov<sup>b</sup>. 9th.

Mr. Menzies of Culdears has been remarkably civil to us, as has old Cameron of Kinlochleven to the Parties stationed there. On the contrary, those Quarter'd in Glenco rec<sup>d</sup> the worst of usage, and greatest Ignominy by the Instigation of Macdonald, who had been some years kept Prisoner in Edr. Castle; and one Stewart of that Glen. The Landlord in the road from Tay Bridge mentioned in my Instructions is dead. John Cameron, who sells Whiskey in Finnard is a most notorious Thief, as is his Brother; and most people in y<sup>t</sup> Village have formerly been detected of Thievish Francks; and John McDonald of this place is also a suspected Person.

(Sign'd) HENRY PATTON.

*5th Captain's Command.*

Capt. Ball of Col. Bockland's Reg<sup>t</sup>.

Under His Command, 2 Subs.

Station. Innersnaid Barrack.

Report. Nov. 7th.

On Friday the 2 Inst. a Patrole from This saw a man in the Highland Dress w<sup>ch</sup> they pursued. He quit his Plad and got off; and on Saturday 2 Sheep and a Cow was stolen from Innersnaid. I made search as Directed but to no Effect.

(Sign'd) THOS. BALL.

*6th Captain's Command.*

Capt. Edhouse of Gen<sup>l</sup>. Pulteney's Reg<sup>t</sup>.

Under his Command, 1 Sub.

Station. Braemar Barrac.

Report. Nov. 4.

There has been such a prodigious Quantity of Snow fallen, w<sup>th</sup>in this fortnight past, that my Patroles could not go out, and it was w<sup>th</sup> great difficulty, y<sup>t</sup> I could get in my Reports from the out Parties. Nothing has happen'd extraordinary since my last Report.

(Sign'd) SAML. EDHOUSE.

*7th Subaltern's Command.*

Ens. Rutherford of Gen. Pulteney's Reg<sup>t</sup>.

Station. Corgarff Barrac.

Report. Nothing extraordinary since my Last.

(Sign'd) ROBT. RUTHERFORD.

*Lt. Ogilvy of Gen. Pulteney's Reg<sup>t</sup>. at Tomantoul. Detack'd from  
Strathbogie.*

Reports nothing extraordinary since the last.

(Sign'd) DAVID OGILVY.

A Copy. Cha: Collier, Aid-de-Camp.

Edin: No. 25, 1750. Sent to Mr. Fox No. 27, 1750.

## APPENDIX.

XXXVIII.

### EXTRACTS FROM KING'S COLLEGE RECORDS, 1716.

KING'S COLLEDGE of Aberdeen the Twentiefifth day of April J<sup>m</sup>vij<sup>e</sup>  
and Sixteen years.

Convened the Sub-principal, Mediciner, Humanist, Mr. Burnet regent,  
and Mr. George Gordon professor of the oriental Languages.

The which Day, The Principal having acquainted the meeting by  
John Hay janitor That he could not attend this meeting being necessarily  
detained, But desired that the masters present should proceed and minut  
what should be done at this Meeting, And how soon he was in condition  
to come to his Chamber in the Colledge, he should cause record in the  
Colledge minuts whatever was done by the masters present this day.

The masters having at severall former meetings being informed of  
severall disorders comitted by some students the tyme of the Late  
rebellion, Do accordingly this day proceed to a tryall of what students  
have been Guilty. In order to which the following witnesses were  
examined by way of precognition.

Compeared William Walker, Drummer in Old Aberdeen, married  
man, aged 68 years or thereby. Witness examined and interrogat anent  
the forsaid disorders, Declares that upon the first Thursday of february  
Last, Patrick and John Ogilbys, Bursars in the said Colledge with  
William Moir, Bursar ther, Came to the Declarants house, And forced the  
Declarant to come out with his Drum to goo through the toune of Old  
Aberdeen, and make a proclamation Desiring all persons to come and  
see the Duke of Brunswick in effigie comitted to flames, which proclama-  
tion was made by Robert Warrander, another Bursar in the said Colledge.



After which proclamatioun the Declarant came to a Bon-fyre at the sd Colledge gate, where he saw the forenamed Bursars and severall other students, And that he saw the said William Moir having between the Ramer and the Musle of his gun a Picture on paper which he had carried in processioun through the said toune, which they called the picture of the Duke of Brunswick, which picture the sd Robert Warrander delyvered to the Declarant and ordered him to burn it, which when he had throwen out of his hand the wind carryed it away, But was thereafter caught by a Boy and Brunt in the fyre, which Boy the deponent knows not, And declares he saw the saids Bursars drink the pretenders health at the sd fyre by the name of King James the Eight, and this is the truth, And Declares he cannot write.

A. FRASER, Subprinl.

Compeared Patrick Lesly, Bursar in the sd Colledge, aged 15 years or thereby, Declares that upon the forsaid Day he passing by the said Bonfyre at the Colledge, saw William Moir, John Ogilby, Angus Sage, and Robert Warrander, with William Walker, Drummer, all standing at the said Bonfyre, And that John Ogilbie told the Declarant that the Duke of Brunswicks pictur was brunt in the fyre, And declaires he knows no more of the matter, And this is the truth.

A. FRASER, Subprinl. PAT: LESLIE.

Compeared George Mitchell, Bursar in the sd Colledge, aged 16 years or thereby. Witness examined ut supra Declaires that upon the said first Thursday of february Last He saw William Moir come up the Old toune street with the pictur of the Duke of Brunswick as they called it fixed behind the Musle and Ramer of his Gun in company with Robert Warrander, John Ogilbie, Angus Sage, William Ord, all Bursars in the said Colledge, and William Walker, Drummer, And that he heard the sd Rt Warrander Say and publish that the said pictur of the Duke of Brunswick was to be comitted to the flames, And that he heard the forsaid Bursars and ane Patrick Douglas tell that the sd pictur was actually brunt And knows no more of the matter, And this is the truth, And further Declaires that he Saw Keneth M<sup>c</sup>Kenzie, Bursar, wt them, And that most of the said Bursars had Guns and pistolls.

A. FRASER, Subprinl. GEO: MITCHEL.

Compeared Alex. Hay, major student in the sd Colledge, aged 16 years or thereby. Witness examined and interrogat Declares that upon the sd first Thursday of february Last He Saw the said William Moir with the Duke of Brunswick pictur as they called it in his Gun in company with Robert Warrander, John and Patrick Ogilbys, Angus Sage, William Ord, and Keneth McKenzie, all Bursars in the said Colledge, And that Wm. Moir and Angus Sage had Guns and Keneth McKenzie and William Ord pistols, And that he saw all the forenamed Bursars goo through the Old toune the length of the Humanist's gate with Wm. Walker, Drummer, who was beattng his Drum, And that the sd Rt Warrander made a proclamatioune that the Duke of Brunswick was to be comitted in effigie to the flames, And that thereafter he saw the saids persones returne to the Bonfyre at the Colledge gate, And that he heard the said William Ord making his Vant that Day that the said Pictur was brunt, And knows no more of the mater.

A. FRASER, Subprinll.      ALEXANDER HAY.

Thereafter the masters adjourned their meeting till friday's morning at nyne o'clock, and appointed the Janitor to acquaint all the masters to attend punctually.

A. FRASER, Subprinll.

AT the King's Colledge of Aberdeen the Twentie-seventh day of Aprill J<sup>m</sup>vij<sup>e</sup> and sixteen years, Convened the Subprincipall, Civilist, Mediciner, Humanist, Mr. Alexr. Burnet, Regent, and Mr. George Gordon, Professor of the orientall Languages.

Which Day the Subprincipal and Humanist declared that they had spoke with the Principall, And that he had told them that he had such necessary avocatiouns as could not allow him for some tyme to be present at Colledge meetings, And therefore earnestlie Recomend the masters not to neglect or postpone any Colledge affairs Because of his absence, But to meet and proceed in all things after the ordinary maner as if he was present.

A. FRASER, Subprinll.

The which Day the masters Continue the sentence agt. the Bursars In regaird that there is ane informatioun given agt. some students who had harrangud in the publick schooll reflecting on the King and his Generalls, And that till Monday next untill the sd affaire be examined.

A. FRASER, Subprinll.

The which Day the masters foresaid having examined John Hay, Janitor of the said Colledge, anent these alleged disorders comitted by him the tyme of the sd. rebellion, They find the said John Confesses he waited on the Earle Marischall as he passed through this toune of the Old toune (as he was ust to doo at former tymes when the Earls Marischall came or went from Abdn.) being the day that the pretender was proclaimed at the Old touns cross on horse back, But denys that he had his sword drawn the tyme of the proclamatioun, And Declares he did not know that there was to be such a proclamatioun at the sd Cross, And as to ringing of the Colledge Bells, owned he was Compelled by the forenamed students guilty of the first disorders, And that the ringing of the sd Bells was to prevent the breaking of the doors or spoiling the Bells and Clock. And farder Confesses that he was upon the Castlegate of Aberdein with the rest of the Spectators the tyme that the pretender was proclaimed at Aberdein, But had no sword nor was any wayes active or assisting the tyme of the said proclamation, As also the saids masters having examined John Dey, College Porter, They find he confesses he was present as a spectator when the Pretender was proclaimed both in Abdn and the Old toune, But was in no wayes active or assisting the tyme thereof, And that he was compelled by the forenamed guilty students to ring the Colledge bells the tyme foresaid, Lest the doors of the steeple should have been broke by them or the Bells and clock spoiled, which they threatened to doe, And that before he opened the door the Bolt of the Lock was bowed.

A. FRASER, Subprinll.

The masters adjurne their meeting till Munday next at nyne in the morning.

A. FRASER, Subprinll.

AT the King's Colledge of Aberdeen the Threttieth day of Aprill  
J<sup>m</sup>vij<sup>e</sup> and sixteen years, Convened the Subprincipall, Civilist,  
Humanist, Mediciner, Mr. Burnet, regent, and Mr. George Gordon,  
professor of the Oriental Languages.

Compeared Thomas Ragg, student in the sd Colledge, aged 17 years  
or thereby. Witness examined and interrogate, Declares that he heard  
some day of the months of December or January Last Robert Warrander  
foresaid, Bursar in the said Colledge, declaim or harrangue in the publick  
Schooll, which Harrangue reflected on the King and his Generalls, and  
contained the following words, which the declarant yet minds, viz.,  
*Regique haec dicite vestro non illi imperium Scotiae solumque Jacobi,*  
&c., being the words of Virgill transpressed. As also the said Robert  
Warrander in his sd oration had several reflecting expressions upon the  
Duke of Argyll and the Earle of Sutherland, As also Declaires he heard  
the said Keneth McKenzie, Bursar in the said Colledge, Declaim and  
have ane publick harrangue in the publick schooll some day of the sd  
months of December or January Last reflecting on his Matie, and  
containing the following words:—*Jacobum nostrum regem e manibus*  
*schismaticorum et hereticorum Liberes. Et dicat totus populus Amen.*  
And further Declaires he heard James Gatt, Bursar in the said Colledge,  
on some days of the sd months harrangue in sd public Schooll, And  
which contained some disloyall expressions tending to the purpose, That  
if the Usurper were turned off his Throne et Imperante Jacobo Octavo  
then honest men would get their posts, And knows no more of the  
mater. And this is the truth.

A. FRASER, Subprinll. THOMAS RAGG.

Compeared William Marr, Student in ths sd Colledge, aged 17 years  
or thereby, Witness interrogat and examined Declaires he heard the said  
Robert Warrander declaim in the said publick schooll in the moneths of  
Decr. or January Last, wherein he heard some words in comondation of  
the Pretender under the name of King James the Eight and Reflecting  
on the Earle of Sutherland and his Highland Robbers, And remembers  
no more of the matter, and this he declares to be truth.

A. FRASER, Subprinll. WILLIAM MARR.

Compeared Keneth Forbes, Student in the said Colledge, aged 18 years or thereby. Witness examined and Interogat Declaires he heard the said Robert Warrander the tyme foresaid declaim and have a harrangue in the sd publick schooll Reflecting on the King and his Generalls and containing these words—Vos o Whiggoi post decermina mundi Maturate fugam regique haec dicite vestro Non illi imperium Scotiae solumque Jacobi, &c. And particularly reflecting on the Duke of Argyle and the Earle of Sutherland, And farder Declaires he heard the sd Keneth McKenzie and William Ord about the tyme foresaid declaim and have publick harrangues in the publick schooll reflecting on the King and his Generalls, And this is all he knows of the matter, And declaires the same to be truth.

A. FRASER, Subprinll.      KENNETH FORBESS.

Compeared Hugh Fraser, Bursar in the sd. Colledge, aged 18 years or thereby. Witness received and Interogat Declaires he heard the said James Gatt about the tyme foresaid declaim and have a harrangue in the sd publick schooll in comondatione of the pretender under the name of King James the eighth, and this is the truth.

A. FRASER, Subprinll.      HUGH FRASER.

Compeared the said George Mitchell, Bursar in the said Colledge, And being examined, Declaires he heard the said William Ord about the tyme forsaid declaim and have a publick harrange in the sd schooll Reflecting on the King and his Generalls, And this is the truth.

A. FRASER, Subprinll.      GEO. MITCHELL.

The Masters and Members of the said Colledge having heard, seen, and considered the haill declarations of the Witnesses, adduced against the saids Robert Warrander, William Moir, Patrick and John Ogilvies, Angus Sage, Keneth McKenzie, William Ord, and James Gatt, all Bursars and Students in the said Colledge, And being at length ryple and weele satisfied theerwith, They find it proven That the said Robert Warrander published the forsd. proclamatione anent comitting of the

King's picture to flames upon the first thursday of february Last in the said Bonfyre put on by them at the said Colledge gate, And that the said Wm. Moir carried the said picture through the old toune on his Gun, And that the saids Robert Warrander, William Moir, Patrick and John Ogilvies, Angus Sage, Keneth McKenzie, and William Ord, Were all guilty art and part of the fords disorders comitted by them the said day in the old toune and at the said Bonfyre, against his Majestie and the Government. And that the said Robert Warrander, Keneth McKenzie, William Ord, and James Gatt were all guilty of having harrangud in the publick schooll reflecting on the King and his Generalls, and in comendatione of the Pretender. As also the saids Masters having considered the Report made by the Subprincipall to them anent his taking a prècognition against the sds Students Anent their invading the Minister of Old Abdn his house and comitting several dammages ther, And invading Alexr. Taylor in Cotton his house, and taking away his armes. They by the sd report find the same likeways proven Against the sd Angus Sage, Keneth McKenzie, Patrick and John Ogilvies, as to the disorders comitted at the said Minister's house, And against William Moir, Angus Sage, Keneth M'Kenzie, and Patrick Ogilvie at Alexr. Taylor's house. Therefore, the sds. Masters fyne and amerciat ilk ane of the saids Robert Warrander, William Marr, Angus Sage, Patrick and John Ogilvies, Keneth McKenzie, and William Ord in the summe of fiftie merks Scots money for the use of the Bibliothek of the sd Colledge, conforme to ane act of the Privie Counsell of Scotland dated the nynth of March 1693 years, And have Extruded and hereby extrud all the forenamed persons, as also the said James Gatt, furth and from the sd Colledge in all tyme comeing, And Declaires all of them Incapable of any benefice or Degree in the sd. Colledge hereafter, and ilk ane of their rexive Burses to be Vaccand, And farders the saids Masters ordains the dammages sustained by the said Minister extending to the summe of Scots money, and by the sd Alexr. Taylor extending to the summe of money forsaid to be payed to them out of what is resting of the sds. Burses.

A. FRASER, Subprinll.

AT King's Colledge of Aberdeen the first day of May J<sup>m</sup>vij<sup>c</sup> and sixteen years Conveened the Subprincipall, Civilist, Mediciner, Humanist, Mr. Burnet, regent, and Mr. George Gordon, Professor of the orientall Languages.

The Masters and Members of the sd Colledge having heard, seen, and Considered the said John Hay his Confession And being at length ryply and weele advysed therwith, They find him Guiltie of such disorders and misdemeanors as render him incapable of exercising his office about the said Colledge. Therefore They have discharged and hereby discharge the said John Hay of his office of Janitor in the sd Colledge, And depose him therefrom hereafter, And discharge him from meddling thereanent any maner of way in time comeing.

The Masters of the said Colledge having Considered the said John Day his Confession They find That nether by his said confessione or the informatione they have gott, upon narrow enquiry anent him he is Guiltie of such disorders as deserve immediat deprivatione, And being at present destitute of a fitt servant for ordering the Colledge clock and attending their meetings (after having severely reprimanded him) for the present Did not think fitt to turn him out of his office Untill they be further advysed in the matter.

A. FRASER, Subprinll.

AT the King's Colledge of Aberdeen the twentie-second day of November J<sup>m</sup>vij<sup>m</sup> and seventeen years. In Presence of Mr. John Gordon, Provost of Aberdeen; George Fordyce, James Moorisone, and Thomas Mitchell, Baillies of Aberdeen; Mr. John Osborn, one of the Ministers of Aberdeen; and Mr. Alexr. Mitchell, one of the Ministers of Old Aberdeen; Mr. William Smith, the other Minister of Old Aberdeen.

The said Day Compeared Mr. George Chalmers, late Minister at Kilwinning, And produced a Presentatione granted by his Matie to the said Mr. George Chalmers to be Principall of the King's Colledge of

Aberdeen in place of Dr. George Middleton, Late Principall of the said Colledge, dated the first day of October Last bypast, Which Presentatione was publickly read and a copie of the same is hereto subjoyned, As also the said Mr. George Chalmers Produced ane Extract of ane act of the Presbiterie of Aberdeen under the hand of Mr. James Smith, Presbiterie Clerk, bearing the said Mr. George Chalmers To have compeared before the said Presbiterie upon the twentie day of October instant, and subscribed the Confession of faith and formula as Law requires, which Extract was likeways read, After which Compeared the said Dr. George Middleton, Late Principall of the said Colledge, And gave in a Protestation Against the Admissione of the sd Mr. George Chalmers as Principall forsaid subt. by him, Which was read, and a copy therof is hereto subjoyned, And thereupon took instruments. And the said Dr. George Middleton consented that the sd Mr. George Chalmers might give in his Answers thereto, And the sd Mr. George took instruments that he might answer the same accordinglie in writting. Thereafter Compeared Mr. John Gordon, Late Civilist in the sd. Colledge, And adhered to Dr. George Middleton's Protestatione, And thereafter gave in a Protestatione, which was read, and thereupon took instruments, And required that the sd. Protestatione given in by him might be recorded in this minute, And the sd. Mr. George Chalmers Protested that the said Mr. John Gordon's Protestatione might not be recorded in respect it was extrinsick from the matter in hand, viz., the Admission of the sd Mr. George Chalmers as Principall forsd. All which being considered by the sd John Gordon and the other persones beforenamed appointed by his Matie to admitt the said Mr. George Chalmers, They refused to allow the said Protestatione to be recorded in their present Minut In respect it mostlie concerned Alexr. Garden of Troup, Civilist of the sd Colledge, and the regents to be admitted, in which the meeting is noways concerned and not the matter in hand, But wer willing and instantlie offered to receive any objections he had to offer against the admisione of the sd George Chalmers. The forenamed Persones appointed by his Matie as Admitters forsaid haveing heard, seen, and considered the forsaid Presentatione granted by his Matie in favour of the said Mr. George Chalmers with the Exāct of the said act of presbiterie, They did and hereby doe unanimously Admitt and Reccave the said Mr. George Chalmers to his Imployment and place as



Principall of the King's Colledge of Aberdeen and to the haill stipends, fees, profits, emoluments, and casualties, with the whole power, Libertie, priviledges, and imunities belonging or knowen and accustomed formerlie to belong to the sd Principall's place in the termes of the said Presentatione in all points, Whereupon the said Mr. George Chalmers took instruments, And the saids Admitters appointed Alexr. Gordon, writter in Abdn, Colledge Clerk and Clerk to this present Meeting, to draw up the Admission of the said Mr. George Chalmers as Prinll forsaide formallie and authoritivelie in writting on stamped paper, which they declared they should subscribe when presented to them.

JO. OSBORN.  
AL. MITCHELL.  
WILLIAM SMITH.

JOHN GORDON.  
GEO. FORDYCE.  
JA. MOORISON.  
THOMAS MITCHELL.

AT the King's Colledge of Aberdeen the Twentie day of November J<sup>m</sup>vij<sup>e</sup> and seventeen years, In Presence of Mr. George Chalmers, Principall of the said Colledge; Mr. Alexr. Fraser, Subprincipall; Mr. David Anderson, Professor of Divinitie; Mr. Alexr. Gordon, Humanist; Mr. Alexr. Burnet, Regent; and Mr. George Gordon, Professor of the orientall languages in the sd Colledge.

The same day Compeared Mr. John Ker, and produced a Presentatione granted to him by his Matie to be one of the Regents in the said Colledge, dated the first day of October Last bypast, with the Extract of ane act of the Presbyterie of Abd. bearing the sd Mr. John Ker to have signed the Confession of faith and formula Conforme to Law, dated the twentieth day of Nover. instant, And thereupon the said Mr. John Ker craved to be admitted to his said office.

As also Compeared Mr. Daniel Bradfut, And produced a presentatione granted to him by his Matie to be ane of the Regents in the said Colledge in place of Mr. Richard Gordon, Late Regent in the said Colledge, dated the first day of October Last bypast, With the extract

of ane act of the presbiterie of Aberdeen bearing the sd Mr. Daniel Bradfutt to have signed the Confessione of faith and formula Conforme to Law, dated the twentieth day of Nover. instant, And thereupon the sd Mr. Daniel Bradfutt craved to be admitted to his said office.

Thereafter Compeared Dr. James Urquhart and Mr. Richard Gordon, Late Regents in the said Colledge, And gave in the Protestation hereto subjoyned And thereupon took instruments, And the saids Mr. John Ker and Mr. Daniel Bradfutt Protested that they might have Libertie to answer the same, And thereupon took instruments, And the said Mr. George Chalmers, Prinll, Protested in name of the other Masters and himself that they might have Libertie to answer what concerned them, And thereupon took instruments.

After all which the Principall Tendered the foundation oath and the oath de fideli to the saids Mr. John Ker and Mr. Daniel Bradfutt to their rexive offices as Regents in the said Colledge and haill emoluments and priviledges thereof during their naturall Lifetymes in the termes of the saids presentations granted by his matie in all points, And that in presence of the other Masters before named consenting, And thereupon they took instruments. And the Prinll appointed the Clerk to draw up the saids two admissiouns authoritivlie in writt on stamped paper, which he should subscribe when presented to him.

This meeting was constitute and concluded by prayer.

GEO. CHALMERS, Prinll.

AT the King's College of Abdn the seventeenth day of Decr. J<sup>m</sup>vij<sup>c</sup> and seventeen years Conveened the Prinll, Mediciner, Subprinll, Humanist, Mr. George Gordon, and the three Regents, and Professor Andersone.

Prayers Sayed.

[Inter alia.]

The which day the Prinll produced a Certificat under the hand of Mr. John McKenzie, prinll Clerk of Sessione, bearing that the sd prinll, Mr. Alexr. Garden of Troup, Civilist, and Mr. John Ker, Regent in the sd Colledge, did upon the twelveth day of Nover Last bypast Qualifie

themselves to the King and Government conforme to Law in presence of the Lords of Counsell and Sessioun. With ane other Certificat on the foot thereof, under the hand of the sd. Mr. James [*sic*] McKenzie, that Mr. Daniel Bradfut, regent, did upon the threteinth day of the sd. moneth of Nover Last Qualifie himself in like maner to King and Government.

GEO. CHALMERS, Prinll.

KING'S COLLEDGE, March 29th J<sup>m</sup>vij<sup>c</sup> and eighteen, convened the Prinll, Professor of Divinity, Subprinll, Humanist, Professor of Oriental languages, and three Regents, Mr. Ker Clerk pro tempore.

[Inter alia.]

The Prinll having produced a Letter to my Lord Forglen from five Ministers in favours of James Gatt, one of the Students who were extruded for their disloyall practices in the Time of the Rebellion, Which Letter has satisfied seall Members of the Commission as to that boyes loyal and discreet carriage ever since, and he being of a promising genius, The Masters allow him to receive degrees wt. the rest in Mr. Burnet's class.

GEO. CHALMERS, Prinll.

XXXIX.

DECLARATION BY JAMES III., 1722.

DECLARATION of James the 3rd King of England, Scotland, and Ireland to all his subjects of the three nations and to all sovereign princes and states to serve as a foundation for a lasting peace in Europe.

JAMES REX,

The obligation which we owe to our own honour and to the safety and tranquility of our own native country which above all tyes is the dearest and tenderest; the steps which are too apparently taken to enslave our people the late unexampled violation of the freedom of elections by which the British Constitution is entirely subverted and a new sort of tyranny introduced, unknown to any other nation, conspiracies invented on purpose to give pretence for new oppressions and to arm the nation against itself at a time when it was well known all attempts were imaginary and impracticable; the Lives, libertys and fortunes of our subjects at the mercy of infamous informers—cruelly exposed every day to subornation and perjury and every honest well meaning man in a state of proscription.

These and many other considerations of the highest importance to the repose and security of our people exciting our compassion, have engaged us to enter seriously into ourself to examine and consult our heart what sacrifice to make on our part for the publick peace and to consider earnestly of some method for restoring tranquility especially to these kingdoms of which we are the natural and undoubted Father.

To express therefor and signify in the most publick maner our ardent desire to compose all differances and to avert all future evils that no

blame may be now or hereafter imputed to us but that whatever calamity should happen may be only and solely chargeable on the obstinacy or ambition of others.

Wee declare that if the Elector of Hanover will deliver quietly to us the possession of our Kingdoms we will make no inquisition of any thing that's past. Wee will acknowledge him in the same dignity of King in his states and dominions inviteing all other princes and states to do the same. We will live in Brotherly amity with him and contribute all our endeavours to establish him and his family in prosperity and Royal Grandeur where an uncontested Right will free him from the Cryme and reproach of Tyranny and usurpation and a quiet conscience make a crown sit easy on his head leaving at the same time his succession to our Dominion secure whenever in due course his natural right shall take place. Let him compare a calm undisturbed reign over a willing and obedient people his natural born subjects with the restless unquiet possession of an usurper in a strange land where authority forcing the inclinations of the people can only be supported by Blood rapine and violence eternally subject to fears and alarms even when no danger appears, for Guilt can never rest; let him consider a Fixed and Solid establishment of Regal power in himself and his posterity exposed to no chance, with the frail uncertain settlement of an usurped title which must and shall while we have breath and descendants in being be forever disputed.

Let him reflect that the divine Justice never fails sooner or later to chasten the oppressor and to redress the Innocent and injured; in stead of advising with an imperious ministry as much his Tyrants as the nations. Let him consult his reason, let him ask his conscience, let him examine his interest, and his glory, nay his very ambition will advise him to descend from a Throne which must be always shaking, to mount another where his seat will be firm and secure.

Wee conjure all christian princes and states to be aiding and assisting to enjoin this our just and amicable proposal whereby without the effusion of Blood or any national or publick disturbance justice may be done to an injured prince and an equivalent provided sufficient to content an aspiring one. As a further inducement to all christian powers to enter more heartily and deliberately into this important proposition wee offer ourselves to make good on our part all such

alliances as have been already contracted with our kingdoms conducive to the peace and tranquility of Europe, and to enter into any new ones that may be judged necessary for the further strengthening and securing thereof.

That there may likewise remain no objection from the fears and apprehensions of any one man in our dominions conscious of having offended against us, wee promise a full free and universal pardon to all persons of whatever degree or condition within our realms without any exception who shall in any reasonable time return to their allegiance or by any act deed advice or otherways effectually contribute to such a happy accommodation as may put a period to all our publick or private misfortunes that every English man may hereafter live quietly under his own shade enjoy his conscience undisturbed and rest upon his pillow in peace.

Wee protest solemnly before God and man that nothing can be proposed to us to make our kingdoms happy and flourishing and to quiet the minds of all men but we will strive with the most zealous to promote.

Our desire is to embrace the whole body of our people without any distinction or reserve to root up the very seeds of prejudice and division that all marks of discord separation or difference of parties and all reproachfull denominations may be for ever extinguished and that the King and his people may have but one mind one heart and one interest. That humanity that Love of our country and that Goodwill . . . which we make the source of our actions prompt and incline us in the first place to the ways of mercy and peace.

'Tis therefore that waiving all present application to sovereign powers who considering in Reality how much our cause is their own might readily be induced to aid us in vindicating that majesty which they behold oppressed and affronted in our person and sacrificing all resentments passion and desire of revenge to the publick good we now seek and condescend to shake hands with those who have most injured us.

Given at our court at Lucca this present 10th of Sept. 1722, and in the 21st year of our Reign.

XL.

MEMORIAL CONCERNING A CROSS ROAD FROM INVER-  
LOCHY, BY RUTHVEN OF BADENOCH, AND  
THROUGH BRAEMAR TO ABERDEEN.

The present patent and fine Roads lately made from South to North thro' the most inaccessible Mountains in the Highlands of Scotland, not only evidence the Wisdom and Prudence of the Government, who gave direction and allowance for so great and laudable an Undertaking, but also very much redounds to the honour of his Excellency General Wade (the Executor of said useful work), for his Activity and Diligence.

Which surprizing performance (never once thought practicable in former Ages) will justly eternize his Majesty's Name in that Kingdom.

After the General had finished the several Roads from South to North he found (by experience) the same Nowise complete to answer the designed purposes of the Government, until there was a Cross Road made from East to West, through the middle of the Kingdom, and at that time was most wisely resolved that the same should be brought from Ruthven of Badenoch to Aberdeen, but came never to any determined Resolution about fixing the Way and Line, where it was to be drawn betwixt these two places, until rightly informed of the fittest for the public Utility and Profit.

The Memorialist did at that time send a Representation to the General (of the Nature following) for his Excellency's better direction, that he might neither be misled, misinformed, or deceived by any Persons (maybe having Selfish Views) in a Matter of so great Importance, and whereon the Peace and safety of the whole United Nation so much

depended. But that design (by what reason I known not) was at that time entirely dropt.

But since the laudable, useful, and I may say indispensible proposal of making the said cross Road from East to West is again revived, and that it is now propable the same will be put in Execution, is the occasion of renewing the former representation on that Subject with some additions and Amendments.

The Grampians are a ridge of great Mountains that quite cross the Kingdom of Scotland, about the very broadest part, in almost a direct line from Inverlochy by Ruthven of Badenoch to Aberdeen. The inaccessibleness of these for want of fit passages and Roads, either across, or on each side of them, has at sometimes been a benefit to this Island in general. As for Example, in the Reign of Corbred the 2nd King of Scots, Agricola the Roman General had once and again defeated the United Power of both Scots and Picts, so that they were forced to betake themselves to the fastnesses and Strengths of these Grampians, which put a Stop to the Roman Legions, and happily impeded their making a Total Conquest of the British Island at that time, and had several times afterwards the same effects in frustrating the Expeditions of Adrian and Severus, who considering the Valour of their United Enemies, together with their advantage of their being possessed of such inaccessible ground, did never attempt to extend their Conquests be North the said Mountains.

The Strengths of these grounds were also one considerable benefit and advantage to the Scots Nation. In particular in the Reign of Edward the 1<sup>st</sup>, King of England, the same having very much and often retarded the progress of his Army, in his designed Total Conquest of the Scots Nation, the time of the long depending contest between the Bruce and the Baliol.

But now since we have nothing to be afraid of that is Roman (except their pretended Catholic Religion), And that there is an incorporating Union now happily brought about betwixt the British Crowns, all the Advantages from such Natural Strengths does evanish. It next remains to be enquired into, how far in latter Ages these have contributed to the disquiet and frequent disturbance of the Kingdom. As also to be considered how prudent it would be still to leave them in the present inaccessible State.



After the total overthrow and extinction of the Pictish Nation, and the repeated expulsion of the Danes, there was nothing next to their almost perpetual Wars with England, that gave such disturbance to the Scotch Kings as the frequent Commotions and Insurrections of the Turbulent Highlanders and Borderers, to suppress which they were necessitate, to make frequent Expeditions in person, which sometimes proved fatal to those Princes, and very often fruitless, after considerable loss and charges, which did always terminate in the Utter devastation of the most of the Neighbouring Countries, tho' possessed by their Majesty's most loyal and peaceable Subjects.

It was for this reason that Malcom the 3<sup>rd</sup>, King of Scots, one of the wisest of their Princes, did build a Strong Castle in the Brae of Mar, in the very center of the Grampians, call'd the Castle of Kindrochit, and that out of pretext of a Summer Residence, for his diversion of Deer-hunting, but in effect to bridle the Stubborn disposition of the fierce and lawless Inhabitants, and more particularly the Stance of the said Fortress, was pitched upon as most necessary by reason of the inaccessibleness of that Country and its central Situation, which made it always remarkable for being the Commonplace of Rendezvous of the whole Turbulent and disaffected People of those parts, there being equal expeditious access to the same in some few Days from the several remotest Corners of the Highlands, and where they could rest securely, without fear of being attacked even by much superior Numbers, and the Inhabitants themselves by reason of their situation, were still amongst the first and last in Arms, in all Insurrections time out of mind.

This Castle and Fortress of King Malcom's was of great use for many Ages, for keeping the peace of that and the Neighbouring Countries, until neglected and let out of repair in the Reign of King James the 5<sup>th</sup>, and at last fell to total ruin and in Rubbish about the beginning of the Reign of K. James the 6<sup>th</sup>.

In the year 1628, the 3<sup>d</sup> year of the Reign of King Charles the 1<sup>st</sup>, John Erskine Earl of Mar, built a new Strong Castle (with Iron Gates and barr'd Windows) within a furlong of the Ruins of King Malcom's, designed for a hunting Seat for his family. This New Castle was together with the Castle of Inverlochy, Ruthven, and Inverness, Garrisoned by General Monk in the year 1651, about two years before Cromwell's Usurpation, and were continued for Nine Compleat Years until the

Restoration, which Garrisons, so bridled the Highlanders for that Space, that there was not the least Commotion, Insurrection, or Yea Depredation to be heard of, Nay further the Ordinary and then frequent oppressions, committed by Superiors and great ones upon their Vassals and Dependants were totally suppressed.

It was generally acknowledged to be a great ommission and oversight at the time of the happy Restoration of the Royal Family, that these so useful Garrisons were evacuated and disused, which were found by experience not only to be a Curb to all disturbances of the Regnant Government, but a complete and sure hinderance to all Intestine Broils, Feuds and Depredations on the Low Countries, which soon turned frequent and even little noticed in the two first Reigns.

At the time of the Revolution upon the Accession of K. William and Queen Mary to the Crown of these Realms, there was immediate Orders for planting Garrisons in the Highlands, and one in the foresaid Castle of Mar, among the first in obedience to which some Troops of Horse came to possess the same, until the Foot were advanced on their March within some few Miles of the place, should come up to be garrisoned there, but before their Arrival the Horse were defeat and dispossessed of the Castle for want of Provisions, by the Country Men quickly conveyed in Arms, who were in the Interest of King James the 7<sup>th</sup>, in opposition to the Revolution, and did upon their Victory put the Castle in Flames, to the very view and perception of the dispossessed, which answered their proposed design, in speedily freeing them of so troublesome a Garrison. This small piece of success so emboldened them, that they soon came to such a head that they proved too hard and Many for all the regular Force then in the North, and did March in a Body for 40 Miles in pursuit of them, until they got into the Town of Aberdeen, before which place the pursuers lay encamped for about a whole week, untill alarmed with the March of a Regular Army, under the Command of Gen<sup>l</sup>. Mackay. All this trouble and charge to the Government was much owing to the loss of the Castle of Braemar, and the Want of a Garrison in that place, which would have readily prevented any persons rising in Arms in these Countries at that time.

It was not a little surprising to most Men, that his Maty King William, after the Reduction of the Highlands at that time did omit to repair and Garrison the said Castle of Braemar, the whole Vaults, Mason and Iron

Work being entire (as it is still at this day) and nothing wanting but Roof, Josting and Flooring in a Country that abounds with Fir-wood and Slate. Such a small Charge to the Government would not have stood so many hundreds of Pounds, as the omission and Oversight stood hundreds of thousands in suppressing the Rebellion and Insurrection in the year 1715, which in all human probability would have been prevented, if there had been a standing and settled Garrison in that place.

The late John Earl of Mar, came to that Country not only because it was his own, but by reason it was the fittest place in the Nation for his purpose, he lay secure from being attacked by any forces then in the North, considering his Situation in an inaccessible Country, where there was no roads fit for horse, and far less for wheel Carriages, Artillery and Provisions, &c. This central situation gave him the considerable advantage, that in a very few Days after his Arrival, he had full correspondence with the whole Potentates, Chieftans and other considerable Persons in the Highlands and Lowlands, be North the River Forth, and in less than a fortnight more he had them all either in Person or by his Emissaries at his head Quarters where they had time and Leisure not only to hatch a Rebellion, but to ripen and bring furth an Insurrection and Armament so formidable, that did not only over-run and overpower the most of the Scotch Nation, but did also penetrate near to the heart of England, and was not suppressed without a considerable supply of Forces from Foreign Nations.

If the Castle of Braemar had been repaired as said is, and a Garrison continued in the same, as in former Ages, the Earl of Mar had never thought of coming to that Country, neither was there any other place in the Nation at that time fit for such a purpose, excepting Islands or very remote corners, where any small disturbances pretable in such places, could have been suppressed before they came to any head.

And now since the Government has out of their great Wisdom penetrate through most of the Highlands, with patent and fine roads, and said to have determined that there be a Cross Road from East to West, from Ruthven in Badenoch to Aberdeen, it is obvious by the several recited Instances of so dangerous and destructive disturbances from so inaccessible a Country, in such a situation as the Brae of Mar, that it is the common Interest of the whole Island, as well as that of the Government (which are inseperable) that the said Road should come through.

that Country, altho' it had chanced to be somewhat out of the direct line, and had even considerably advanced the charges and much more when it chanced and falls to be the very nearest way.

That Country being once laid open and made accessible by so patent Highways, does for ever hereafter disappoint all disaffected and Turbulent spirits of their so convenient old Natural Strength and place of Rendezvous. Besides that the performance of the Road in this so reasonable and prudent shape, the same can lead to the Castle of Braemar, and it is the Memorialist's humble opinion absolutely necessary the same should be immediately repaired and made fit for a Garrison or Barrack which ever the Government think proper, whereas if the cross Road lead through any other Country, the thoughts of planting such Garrison or Barrack, behooved for ever to be laid aside, without a new unreasonable charge of a Second Road.

There is just ground to believe that after perusal and mature consideration of this Representation and Memorial, it will remain no great Question (in the midst of such liberty and property as this Island presently enjoys beyond their Neighbours), but it will be determined prudent, to make every Corner of the Nation (and particularly this common seat of disturbance) accessible, not only for the benefit of Trade, and Expeditious Travelling of Forces, with their Artillery, Ammunition and Provisions, &c., when occasion shall require it, but also for speedy Access to Judges, Heralds, Messengers at Arms, and Collectors of his Majesty's Revenues (all for the present next to impracticable) which tends somewhat to the Dishonour, as well as much to the detriment and loss of this Kingdom.

There is one other weighty Reason and Consideration, not as yet mentioned or taken notice of (which of itself) besides the many former convincing Arguments would be sufficient Motive for leading the said Road from East to West, and Garrisoning the Castle of Braemar as aforesaid, which is that now since the Familys of Gordon and Seaforth are happily converted from Popery, and consequently that Religion visibly upon the decline in their Countries, and most of the Northern Bounds. The Brae of Mar is the only remaining part of the Nation where Popery flourishes most, where there will be more than two hundred people hearing Mass all at once, and sometimes three or four Priests and Jesuits conveened together, with their Superior at their head, in full

defiance of the Government and the Laws and disregarding the Ministers of the Established Church, whose pains to suppress them is fruitless, since by far the greatest part of the Commons are of the Roman Faith, and not to be forced into a decent and legal behaviour by the smaller number, and all this occasioned for want of a Garrison in the said Castle of Braemar, there being no Soldiers to be call'd for nearer than about 40 Miles for suppressing such illegal and Tumultuous meetings.

Upon the performance of the said cross Road and repairing the said Castle and Garrisoning thereof as is proposed it, would not only, forever bridle that, and the Neighbouring Countries, from being the Seat of any Insurrections and disturbances, but would effectually eradicate Popery in that Corner of the Nation in a few years, which would be easily performed by seizing or banishing those heaps of trafficking Priests, which seduce and pervert the poor Ignorant People, who in a little time would all come to Church if rid of, and permitted by their Turbulent Deceivers, who are not (to be sure) slow in fomenting Rebellions in favour of the Popish Interest.

P.S.—The Castle of Braemar is the furthest place in Scotland from any Sea equally exact 40 Miles distant from Inverness, Elgin of Murray, Bamff, Aberdeen, Montrose, and Dundee, and two or three Miles nearer Perth, and about fifty Miles from Inverlochy.

The Memorialist humbly submits to the Judgment of the present Wise Ministry, after their Mature Consideration of the many combined, weighty Reasons above specified, whether yea or not it is prudent to leave a place so situate and inaccessible, without being Garrisoned and penetrated by the supposed cross Highway, and more particularly, when such cross Road is determined necessary however, and when it chances to be the most direct and nearest way between Ruthven of Badenoch and Aberdeen, And further to be noticed that the Charges to the Government will be much diminished by what is already performed and done towards the High Roads on the River Dee, and that the Castle of Braemar is already built and prepared with Iron Gates and Cross Iron barr'd Windows, and nothing to be done but the Roofing and repairing, to make it as fit for any Garrison or Barrack as any in the Highlands of Scotland.









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HENRY BENEDICT STUART  
CARDINAL YORK



XLI.

SPEECHES BY PRINCE CHARLES AND SIR JOHN COPE,  
1745.

CHARLES PRINCE REGENT,  
HIS SPEECH TO HIS ARMY,

When He began His March to meet General *Cope* at the Field near  
*Dudiston*, *September 20<sup>th</sup>*, 1745 ;

The Prince being clothed in a plain *Highland* Habit, Cocked His  
Blue Bonnet, Drew His Sword, Threw away the Scabard, and Said,

Gentlemen, Follow Me, By the Assistance of GOD, I will, this Day,  
make you a Free and Happy People.

THE SPEECH of Sir John Cope, General of the Usurper's Army, a  
little before the Engagement, on *Saturday* the 21<sup>st</sup> *September*,  
1745, at *Preston-Grange*, Six miles East from *Edinburgh* ;

Gentlemen, You are just now to Engage with a parcel of *Rable* ; a  
parcel of *Brutes*, Being a small Number of Scots *Highlanders*, You can  
expect no Booty from such a poor despicable Pack. I have Authority  
to Declare, That you shall have Eight full Hours Liberty to Plunder and  
Pillage the City of *Edinburgh*, *Leith*, and *Suburbs*, (the Places which  
harbour'd and succour'd Them) at your Discretion, with Impunity.

XLII.

ACCOUNT OF THE BATTLE OF CULLODEN, 1746.

AN Authentic Account of the Battle fought between the Army under His Royal Highness The Duke of *Cumberland* and the Rebels, on *Drummossie Muir*, near *Culloden*, on the 16th *April*, 1746.

Edinburgh, April 23.

By Letters from Inverness of the 19th, which arrived this morning by one of the King's Messengers, we have the Confirmation of the glorious Victory obtained upon Wednesday the 16th, by the Army under the Command of his Royal Highness the Duke of Cumberland, over the Army of the Rebels, on the Moor called Drummossie, near to Culloden, two miles from Inverness, with the following particulars:—

“His Royal Highness with the Army encamped the 15th at Nairn, and the Rebels hoping to surprise him there, marched within Three Miles of our Camp; but upon Intelligence that our Drums were beating, in order to march to attack them, they retired to the Ground they had chosen to engage us in, which was a Moor near to the House of Culloden.

“His Royal Highness marched thither the 16th, and came up with the Rebels about One Afternoon. The Action begun by the Fire of the Rebels' Cannon, which ours answered with Success, and very soon brought their first Line, Consisting altogether of their Clans, in a great Hurry to attack us. Their Right wing outfronted our Left, which fell in a little; but our men fairly beat them back with their Bayonets, and made a great Slaughter of them. They made the same Movement on their Left; but the Regiments on our Right, where His Royal Highness





JAMES MOIR OF STONEYWOOD.



was, did not take their Firelocks from their Shoulders, tho' the Rebels came down firing their Pistols and brandishing their Swords, three times, within less than one hundred yards, yet they dared not to attack us, but went off without attempting any Thing. The Rebels looked upon themselves as quite covered on their Right wing by the Walls of a Park ; but the Generals Hawley and Bland, with that part of our Cavalry that was posted on our Left, got through these Walls, by the Assistance of the Campbells, who made several Openings for them, and attacked their Right wing, and made great Slaughter ; and at the same time the Horse from our Right attacked their Left flank, so that our Cavalry met in their Centre. By this Time (which was not Half an hour from the first firing of the Cannon) they were quite routed, and the Horse had Orders to pursue, which they did for above Three Miles, with great Execution. The Rebel Prisoners say they lost on the Field and in the Pursuit above 4000 Men. We have 222 French and 326 Rebels Prisoners, besides Officers. We took 12 Cannon, a great Deal of Ammunition, and about 2400 Firelocks. Our Loss was 50 Officers and Soldiers killed, and 250 wounded. Lord Kilmarnock and some other Officers of Note are taken, and many of the Highland Chiefs are killed. This great event, under God, is entirely the Work of his Royal Highness. The Disposition and ordering the Execution of it was all his own. To-Day Lord Cromarty and his Son, with Ten other Officers, and 150 men, taken by the Sutherland Militia, were brought into Inverness aboard the Hound Sloop."

And by private Letters of the same date, but wrote after making up the respective Lists mentioned below, it appears that more Prisoners were hourly brought in. In one of which it is said : "Just now 30 of Fitz-James's Horse, and 30 of Lord John Drummond's, with Five French Officers, have come and surrendered themselves, so that now 50 French Officers have surrendered ; 39 Rebels are just brought in from different Places."

EXTRACT of a Letter from an Officer in the Army to his friend at Edinburgh, dated the 18th.

His Royal Highness the Duke, by the Blessing of the Almighty, has beaten the Rebels upon the Muir of Culloden, and got the cheapest

Victory that perhaps has ever been known, tho' by his exposing his own valuable Person too much, it had often like to cost us too dear; a Battery of their Cannon bore directly upon the Place where he stood; it did little Execution, for a particular Providence guards him, and he trusts to it; several shots nearly missed him, and one shot took off two Men exactly before him. The Action began at one o'clock, and lasted but a short Space in any kind of warmth; they shifted away to our Left, but with all the bravest of their Men they could not make any Hand of one single Regiment, which was Barrel's; their great Effort was there, but it was vain, they could not penetrate, and lay in Heaps. In a Word we have not lost 100 Men, and the Rebels have lost between 3500 and 4000. We took all their Cannon, which were Twelve, their Ammunition, 3000 Stand of Arms, Magazines of Beef and Oatmeal, &c.

And a Letter of the same Date from another Officer makes the following Observations on that memorable Action:—

"I can scarce think they will ever venture to look our People in the Face again, after the Reception they met with. They were above 9000 strong, chos'd their Ground, and had likewise a rainy Day to favour their Broad Swords, but all would not do; and what is still more, our Front-line only engaged, which shows you what our People can do. They are now thoroughly convinced that Highlanders and Broad Swords signify little against us. Indeed they had the warmest Fire given them that I ever saw for the Time it lasted, and this was the third Field-battle I have been in, in less than a Twelvemonth.

"All Accounts agree in ascribing the Success of this glorious Engagement, under God, wholly to the Conduct and Valour of His Royal Highness the Duke, who, as some of the Letters express it, 'Behaved as if he had been inspired, constantly riding up and down giving his own Orders.' And what thanks do we not owe to Almighty God for giving us so great a Deliverance, and preserving that glorious young Hero, whom he made the Instrument of delivering us."

We have also Advice by other private Letters that the following Ladies are made Prisoners, viz.: Old Lady MacIntosh, Lady MacIntosh younger, Lady Ogilvy, the Lady of Sir James Kinloch of Nevy, and Lady Gordon.

*A Return of the Rebel Officers and Soldiers now Prisoners in  
Inverness, 19th April, 1746.*

<i>Men's Names.</i>	<i>Station.</i>	<i>Regiment.</i>	<i>County.</i>
Lord Kilmarnock	Colonel	.	Stirlingshire.
Francis Farquharson	Colonel		Aberdeenshire.
James Stewart	Major	Duke of Perth's	do.
— MacLachlan	Colonel		Inverness-shire.
John Farquharson	Captain	Colonel Farquharson's	Aberdeenshire.
Duncan Macgregor	Ensign	do.	do.
Sir John Wedderburn	Life Guards	Elcho's	Angus.
Andrew Wood	Captain	John Roy Stewart	Glasgow.
Alexander Cuming	Captain	Duke of Perth's	Perthshire.
George Lauder	Surgeon		Edinburgh.
John Rattray	Surgeon		do.
John Findlason	Engineer	Artillery	do.
Andrew Spruel	Captain	Pitsligoe's	Glasgow.
James Lindsey	Ensign	Lord Strathallan's	Perthshire.
James Hay	Ensign	Pitsligoe's	Aberdeenshire.
— Naim	Deputy Paymaster		Edinburgh.
George Law	Chaplain	to the Pretender	Aberdeen.
George Gordon	Lieutenant	Glenbucket's	Perthshire.
Alexander Buchanan	Captain	Duke of Perth's	do.
Donald Ferguson	Serjeant	do.	do.
Roger Macdonald	Private	Clan Ronald's	Skye.
John MacDonald	do.	do.	Inverness-shire.
George Adison	Bawman	Pitsligoe's	Aberdeen.
Donald MacQueen	do.	do.	Argyleshire.
Donald Levistone	Private	Ardshiel	Argyleshire.
William Walker	do.	Colonel Crichton	Aberdeenshire.
Alexander Smith	do.	Lord Ogilvie's	Angus.
Thomas Armstrong	do.	do.	do.
James Drummond	do.	Duke of Perth's	Perthshire.
Donald Fraser	do.	Master of Lovat's	Inverness-shire.
Andrew Smith	do.	Colonel Crichton	Aberdeenshire.
John Gollon	do.	do.	Inverness.
Andrew Catanoeh	do.	Stonnywood's	Aberdeen.
Alexander Thomson	do.	do.	do.
George Gordon	do.	do.	do.
Alexander MacIntosh	do.	Colonel MacIntosh	Inverness-shire.
John Sim	do.	do.	do.
Alexander White	do.	MacIntosh	do.
James MacKenzie	do.	Colonel MacGillavrae	do.
Alexander Davidson	do.	Colonel Farquharson	Aberdeenshire.
Lachlan MacIntosh	do.	Colonel MacIntosh	Inverness-shire.

<i>Men's Names.</i>	<i>Station.</i>	<i>Regiment.</i>	<i>County.</i>
Robert Grant	Private	Lord Lewis Gordon	Aberdeenshire.
Andrew Mill	do.	Colonel Crichton	do.
John MacAndrew	do.	Colonel Farquharson	do.
John MacIntire	Bawman to the Pretender		Argyleshire.
Alexander Cameron	Private	Lochell	Inverness-shire.
Andrew Geddes	do.	Lord Ogilvie	Banffshire.
Charles Graham	do.	Glengary	Ross-shire.
John Morison	do.	Sir Alexander Bannerman	Banffshire.
John Mason	do.	Stonnywood	Aberdeenshire.
William Trail	do.	Lord Ogilvie's	Banffshire.
Alexander Campbell	do.	Duke of Berwick's	Inverness-shire.
Alexander Young	do.	Duke of Berwick's	Inverness-shire.
John Smith	do.	Lord Ogilvie's	Angus.
William Grant	do.	John Roy Stewart's	Inverness.
Dugwal MacLeod	do.	Clan Ronald's	do.
William Monro	do.	do.	Inverness-shire.
David Crab	do.	John Roy Stewart's	Mid-Lothian.
Lachlan MacLean	do.	do.	Argyleshire.
John Beverly	do.	Stonnywood's	Aberdeen.
Dugwal MacKenzie	do.	do.	Inverness.
William Roy	do.	John Roy Stewart	Lanark.
John MacLachan	do.	Colonel MacLauchlan	Argyleshire.
John MacBain	do.	do.	Inverness-shire.
James Gordon	do.	Glenbucket's	Banffshire.
William Farquharson	do.	do.	do.
James Middleton	do.	do.	do.
John MacLachlan	do.	do.	do.
John MacDonald	do.	do.	do.
William Fraser	do.	Master of Lovat	Inverness-shire.
George Forbes	do.	Abbochy	Aberdeen.
James Campbell	do.	do.	Inverness.
Hugh MacKenzie	do.	do.	do.
Donald Cameron	do.	Lochyle	Inverness-shire.
John Guissock	do.	Abbochy	Aberdeenshire.
John MacLean	do.	do.	Argyleshire.
Hugh Fraser	do.	Lord John Drummond's	Inverness-shire.
James Ronaldson	do.	Sir Alexander Bannerman	Aberdeenshire.
Donald Ross	do.	Stonnywood's	do.
William Robertson	do.	Duke of Athol	Perthshire.
William Coutts	do.	Colonel Farquharson	Aberdeenshire.
Donald MacRea	do.	do.	Sutherland.
Malcolm Stewart			
Servant to Col. Stewart			Argyleshire.
John MacAurie	Private	Colonel Farquharson	do.
Thomas Gillespie, a Boy	do.	Colonel Warrant	Mid-Lothian.

<i>Men's Names.</i>	<i>Station.</i>	<i>Regiment.</i>	<i>County.</i>
Walter Gordon	Life Guards	Lord Elcho	Mid-Lothian.
John Airth	Private	Colonel Crichton's	Aberdeenshire.
Angus MacDonald	do.	Glengary's	Inverness-shire.
James Davidson	do.	do.	do.
Donald MacLean	do.	Lochyel	Argyleshire.
John MacDonald	do.	Glengary's	Inverness-shire.
John Heggans	do.	Lord John Drummond's	Lanerk.
John MacDougal			
Lord John Drummond's			
Piper's Servant			Inverness-shire.
John MacDonald	Private	Colonel Chisholm's	do.
Robert Mackay	do.	Abbochy	Sutherland.
Thomas Nairn	do.	Glenbucket's	Aberdeenshire.
John Buchanan	do.	do.	Inverness-shire.
William Durrat	do.	Colonel Farquharson.	Aberdeenshire.
Duncan Catanach	do.	do.	do.
George Murdoch	do.	do.	do.
Archibald Colquhoun	do.	Appin's	do.
John MacLean	do.	do.	do.
John MacLean	do.	Colonel MacLean's	do.
Duncan Stewart	do.	Appin's	do.
John Smith	do.	Colonel Farquharson	do.
Archibald MacDonald	do.	Clan Ronald	Inverness-shire.
Donald Sutherland	do.	do.	Sutherland.
William MacIntosh	do.	Master of Lovat	Inverness-shire.
Robert Johnston	do.	Sir Alexander Bannerman	Mearns.
Francis MacIntosh	do.	Colonel MacGillavrea	Inverness-shire.
Malcolm Masterton	do.	do.	do.
John MacKenzie	do.	do.	do.
John Kennedy	do.	Keppoch	do.
William Chisholm	do.	Colonel Chisholm	do.
Archibald Cameron	do.	Lochyel	do.
Alexander MacLeod	do.	do.	do.
Farquhar MacGillavrea	do.	Colonel MacGillavrea	do.
James Drummond	do.	Lord Lewis Drummond	do.
Donald Grant	do.	Glengary's	do.
Alexander Morison	do.	Colonel MacLean	Argyleshire.
Alexander Duncan	do.	Master of Lovat	Inverness-shire.
Donald Ross	do.	do.	do.
Lauchlan Ritchie	do.	do.	do.
James MacPherson	do.	do.	do.
William MacKenzie	do.	do.	do.
Andrew Mouchall	do.	do.	do.
John Grasick	do.	do.	do.
John Gray, a Native of France, come			
Express from the French King			

<i>Men's Names.</i>	<i>Station.</i>	<i>Regiment.</i>	<i>County.</i>
Dougal Soutor	Private	Keppoch	Mid-Lothian
Angus Campbell	do.	Master of Lovat	Inverness-shire.
Jascol Mackay	do.	do.	do.
Murdoch Cameron	do.	do.	do.
Allan Stewart	do.	Airdsheil's	Perthshire.
John MacRobbie	do.	Duke of Perth's	do.
William Anderson	do.	Lord Ogilvie's	Angus.
Duncan Campbell	do.	Lochyel	Argyleshire.
John Robertson	do.	Keppoch	Perthshire.
John Buchanan	do.	Airdshiel	Argyleshire.
Archibald MacInnes	do.	do.	do.
Thomas Fraser	do.	Master of Lovat	Inverness-shire.
Jan Boy	A Native of France	Fitz James's	
John MacDonald	Private	Clan Ronald	Inverness-shire.
Niel MacGoary	do.	Master of Lovat	do.
John Sim	do.	Lord Nairn's	Perthshire.
Evan MacKenzie	do.	Master of Lovat	Inverness-shire.
John Ferguson	do.	Lord George Murray	Perthshire.
George Merry	do.	do.	Aberdeenshire.
Evan MacCulloch	do.	Airdsheill	Argyleshire.
William Chisholm	do.	Col. Chisholm	Inverness-shire.
John MacDowgall	do.	Clan Ronnald	Argyleshire.
David Ramsay	do.	Stonnywood	Angus
John Nicol	do.	Lord Ogilvy	do.



### XLIII.

#### DECLARATION OF THOMAS THEODORE DEACON

(UNDER SENTENCE OF DEATH).

Deluded Mr. Madox, who has added the sin of unparraled ingratitude to those of Treachery to his Fellow-subjects, perfidiousness to his lawfull Prince, and perjury against God, having sworn away the very lives of those Persons who chiefly supported him while he attended on the Princes army and for a moneth after he was taken Prisoner. And further I affirm on the word of a Dying man that he perjur'd himself against me at my Tryall, as I verily beleve he did most if not all the rest. Lastly I most freely forgive my two principall enimys, the Elector of Hanover and his son, who claims the pretended tittle of Duke of Cumberland, who are actually guilty of murder in putting me with many others to Death after the latter had granted a formall and regular Capitulation in writting, which is directly contrary to laws of God and Nations, and I hope will be a Sufficient warning to all those who shall have spirrit, honesty and Loyalty enough to take up arms in Defence of their lawfull Sovereign King James the 3rd or any of his Successors against the U——r [usurper] and his Defendants: I say I hope it will be a sufficient warning never to surrender to Hanoverian mercy, but to Dye bravely with swords in their Hands. Not but that I submit with the utmost chearfullness and tranquillity to this violent Death, being thoroughly convinced that I shall be of much mor service to my beloved Country and fellow-subjects, as well as my own lawfull King My Dear brave Prince of Wales and the Duke (whom God of his infinite mercy bless, preserve, and restore) than all the good I could do by fighting in the field or any other way. I publickly profess that I heartily repent of all my Sins, But I am so far from thinking the fact for which I Dye one

of them that I think I shall thereby become an honour to my family, and if I had ten thousand lives would chearfully and willingly lay them down in the same cause. And here I solemnly affirm that malicious report to be false and groundless, which hath been raised merely with design to involve my relations in inconveniences, viz : That I engaged in this affair through their Persuasion, instigation, and even compulsion ; on the contrary I always determined to embrace the first opportunity of performing my Duty to my Prince, which I did without consulting or being advised to by any friend upon Earth. And now my Dear countrymen I have nothing more to say but to advice you to return to your Duty before it be too late and before the nation be entirely ruined, compare the paternall and tender affection which our King has always showed to his native country with the rashness of the Usurper and his great regard to his German Dominions, the Interests of which he has always prefer'd to that of England ; compare the extraordinary clemency and humanity of the ever glorious Prince Charles with the horrid barbaritys and crueltyys of the Elector's Son which he perpetrated in Scotland. Remember what solemn promises have been given by our King and Prince Charles to protect in the enjoyment of your laws, Religion, and liberties ; Has not the Prince thrown himself into your arms and has he not given sufficient Prooff of his abilitys in the Cabinet as well as bravery in the field ; In fine he has done his part, and the sin must ly at your door if you do not yours. May God be pleased to bless this land and be graciously pleased to open the eyes of the People that they may Discern their Duty and true interest and assist in restoring their onley naturall King to his indisputable Just right : Bless, prosper, and guide him in all his undertakings. So prayeth Thomas Theodorus Deacon.

Lord have mercy upon me.  
Christ have mercy upon me.  
Lord have mercy upon me.  
Lord Jesus receive my soul.

XLIV.

PETITIONS BY PATRICK STEWART AND ROBERT  
MAXWELL, 1746-7.

To his Grace His Majesty's Principal Secretary of State, the humble  
petition of Patrick Stewart under conviction for High Treason.

Humbly Sheweth.

That your Graces Petitioner being forced by the late Marquess of  
Tullibardine as living in the Duke of Atholes ground to go out with the  
rebels in August 1745, in a few days after he deserted them as he did  
several times after but was retaken. That in April 1746, he surrendered  
himself to the Rev. Mr. Alexander Stewart, minister of Blair in Athole,  
but in regard of a dryness previously subsisting between him and the  
minister he would give him no certificate but ordered him to return to  
his house and live peaceably which he did until the end of July that he  
was taken up by some of the military and sent prisoner to Carlisle.

That at trial he threw himself upon his Majesty's mercy by pleading  
guilty, but was indulged the privilege of getting his evidence taken upon  
the above facts who distinctly proved his being forced out, desertion and  
surrender which induced the court to recommend him to his Majesty for  
mercy and thereupon he was reprieved.

That the 27th ult. he was brought from Carlisle with other prisoners  
and a proposal was made to him to enlist in the East India Independent  
Companies, which he declined as his surrender was equally good on his  
part as if he had obtained a Certificate and that such as got Certificates  
were requit at Tryal—tho' their cases were no wayes so favourable as  
the above.

May it therefore please your grace to consider the Petitioners Case  
and to indulge him the benefit of his said surrender the evidence  
whereof is in your graces hands and your Petitioner shall ever  
pray.

(Signed) PAT: STEWART.

Bishops Hartfield, 13th Oct., 1746.

To his Grace His Majesty's Principal Secretary of State. The  
Petition of Robert Maxwell.

Humbly Sheweth.

That on 27th ult. your petitioner was brought off from Carlisle with other Rebel prisoners by Captain Gordon of H.M. Independent Company for the East Indies and a Kings Messenger, tho his name is not expressed in the warrant which the Petitioner copied, or any discretionary power contained therein. That Mr. Gordon proposed to the Petitioner to enlist in the foresaid service, which he declined for the following reasons:— 1st. The Petitioner is advanced in age and very grey headed and infirm, being upwards of 50 years. 2nd. By a long course of sickness and bad usage in Carlisle Castle he is infected with scrofolus humors and wants the proper use of one of his arms, and besides has a numerous small family that in such event must starve or beg. 3rd. The Petitioner had been acquit at Tryal, as nine others more deeply concerned in the late wicked rebellion were, had not Mr. Bruce, a doer for the Crown, kept back the Certificate until he was condemned. His genuine case being that after the battle of Falkirk (being an Attorney at law and well known in figures and bookholding) he was forced to go along as a rebel commissarys Manuensis, and to keep the account of the forage ; he never wore their habits or arms. That within the time limited by the Duke of Cumberland's Proclamation he surrendered to the Lord Justice Clerk at Edinr., and was allowed freedom till the 6th August 1746 ; that he was sent of with the rebel prisoners to Carlisle, and had not time to get his Certificate with him, but his lordship sent it to Mr. Bruce, who used it as above. But how soon it was got Baron Parker, dissatisfied with such conduct, took a copy of the certificate and of a Petition to his Majesty both in your Graces custody, and engaged to represent the case to his Majesty, which he did, and received a favourable answer, which he signified by a missive to the Petitioners Solicitor at Carlisle, and soon after his Reprieve followed.

That the Petitioner is sensible that Mr. Bruce has done him much harm, tho great persons has done their utmost on his behalf, and he humbly hopes that as his surrender as every whit as solemn and his case more favourable than many acquit at trial, he will now be allowed the like benefit after he and his family has miserably suffered by malice.

The Petitioner did presume to write your grace to the same purpose since he was brought off, but has reason to think or suspect that it was suppressed before it reached the Post Office, and he hopes his case will plead his excuse for this trouble, as its said he is to be carried directly hence for Portsmouth without seeing London.

May it therefore please your Grace with compassion to consider the Petitioners case, and to issue such speedy orders concerning him as to your Grace in your Christian Wisdom shall see proper, and your Graces Petitioner shall ever pray.

(Signed) ROBERT MAXWELL.

Bishops Hartfield, 13th Oct., 1747,  
from a stable.

XLV.

PETITION BY FARQUHARSON OF BALMORAL, 1748.

I.

UNTO the Kings most Excellent Majesty the Petition of James  
Farquharson

Most Humbly Sheweth

That, in the month of October 1745, your Petitioner, who till then lived quiet and peaceable at his own house in the County of Aberdeen, was unhappily induced to join in the late Rebellion at the instigation of an elder brother whom he had still regarded as a parent.

That your Petitioner is informed upon this account he is excepted from your Majesty's gracious act of Indemnity and that an Inditement has been lately found against him before a Grand Jury at Edinburgh for High Treason.

That your Petitioner begs leave with the greatest humility to represent to your Majesty that from the time of his appearing in arms in the latter end of October 1745, it was his constant care to the utmost of his power to prevent distresses to your Majesty's faithful subjects and to protect them from injury in their persons and estates, and particularly those who had the misfortune to fall into the hands of the Rebels, as many of them can, and the Petitioner believes will testify when called upon.

That in the beginning of February thereafter your Petitioner retired home again to his own country, and has ever since lived in such a manner as not to give the smallest offence.

That your Petitioner is now advanced to a considerable age, and his health impaired by the many hardships and distresses which he has suffered.

That your Petitioner has presumed to mention these circumstances not as an alleviation of his guilt, but in order to move your Majesty's compassion, and being heartily sorry for his offence, he most humbly

submitts himself to your Majesty's Royal clemency and imploring your Royal mercy, promises for the future to live a grateful and dutiful subject.

And your Petitioner shall ever pray.

21 Novr. 1748.

JAMES FARQUHARSON.

II.

We subscribers, the Moderator and Ministers of the Presbytery of Alford, being informed that an indictment for high treason committed in the year 1745 has lately been found before a Grand Jury at Edinburgh against James Farquharson of Balmoral, who has resided for many years past in our neighbourhood, and whose character is well known to us, do think ourselves bound in justice and out of regard to truth, to certify of that unfortunate gentleman, as follows:—That his conduct before engaging in the late unnatural Rebellion was very agreeable to the rules of humanity and morality, remarkable for benevolence, friendship, and hospitality; that after the Rebellion broke out in August and September, 1745, Mr. Farquharson did nevertheless continue peaceable and quiet at his own house till Octr., 1745, when we have been informed he was called up to Edinr. by his elder brother, who then resided there, and at his instigation was induced to join in the Rebellion. That even before and after this wicked and unhappy step Mr. Farquharson dissuaded others from following his wicked and bad example. That during the violence that then prevailed he still retained his humanity and other social virtues, and gave signal proofs thereof in his mild and discreet behaviour to, and protection of some of us and (as we have been well informed) of our brethren in other places, from the dangers to which our loyalty to His Majesty did then expose us, and shewed all the kindness and did all the services in his power to severall of his Majesty's faithful subjects, our countrymen, and acquaintances who were taken prisoners by the Rebels, and that we never heard of his exacting, levying money, arms, or horses, or otherwise distressing any of his Majesty's loyal subjects. That in the beginning of February he left the Rebel Army and never joined them again, but returned to our country, where he remained perfectly quiet and peaceable, without giving the least disturbance or offence to any. That being in a very bad state of health, and considerably advanced in years, he has suffered a great deal in his person from the hardship and

distresses to which he has been exposed. Notwithstanding whereof he has to the best of our knowledge and information behaved himself with the greatest decency and submission, and neither by word or action gave the least ground of offence we ever heard of ; which, together with his obliging, generous disposition before he engaged in the Rebellion, has recommended him not a little to the kindness and sympathy of the real and sincere friends of the Government in our bounds ; to all whom we are certain it would give the greatest pleasure should this misfortunate gentleman be added to the many others who have shared in the Royal clemency. And we (being sensible of the truth of these facts, and firmly perswaded that for the future he will prove a dutiful and grateful subject to his Majesty, and an agreeable member of society in our country), have thought fit to make this certificate to the end that a just representation thereof may be laid before his most sacred Majesty and his Ministry :—

(Signed) PAT: THOMSON, Minister at Tough, Moderator.  
 „ PAT REID, Minister at Clatt.  
 „ THEODORE GORDON, Minister at Kenethmt.  
 „ JAMES LUMSDEN, Minister at Towie.  
 „ JOHN LUMSDEN, Minister at Strathdon.  
 „ JOHN MAXWELL, Minister at Auchindoir.  
 „ WAL. SYME, Min<sup>r</sup> at Tullienesle.  
 „ ALEX STRACHAN, at Keig.  
 „ THO: REID, Min<sup>r</sup> at Leochel.  
 „ ALEX JOHNSTON, Min<sup>r</sup> at Alford.  
 „ ALEXR. OREM, Min<sup>r</sup> at Forbes.  
 „ WILL MILN, Minister at Kildrumie.

### III.

Another certificate in the same language was signed by the Moderator and Ministers of the Presbytery of Kincardine O'Neil, viz. :—George Campbell, Moderator ; Will McKenzie, Min<sup>r</sup> at Glenmuick ; Ale<sup>r</sup> Garden, Min<sup>r</sup> at Birse ; Franc: Daune, Min<sup>r</sup> at Lumphanan ; William Abel, Min<sup>r</sup> at Kincardine O'Neal ; Alex Garioch, Min<sup>r</sup> at Midmar ; Ro: Michie, Min<sup>r</sup> at Cluny ; John McInnes, Min<sup>r</sup> at Coldstane ; James Paterson, Min<sup>r</sup> at Coull ; Jno: Shepherd, Min<sup>r</sup> at Tarland ; and George Shepherd, at Aboyne.



IV.

I, Charles Maitland, Advocate, certify that in the time of the late rebellion I was taken prisoner by the Rebels, and with other prisoners came under a guard from Aberdeen to Perth ; that we past by Dundee, where James Farquharson of Balmoral had the command ; that the said James Farquharson did not only use the prisoners with humanity and tenderness, but did everything in his power to releave and assist us, and wrote letters to the Commanders of the Rebels at Perth, applying in the strongest and most urgent manner for the liberation of the prisoners. This I attest to be truth.

CHAS. MAITLAND.

London, Dec. 18th, 1748.

V.

I, Mr. John Chalmers, Principal of the King's College of Aberdeen, do hereby certifie and declare that I was detained prisoner by the Rebels from the            day of December 1745, till the beginning of February thereafter ; that being carried prisoner in company with several gentlemen and others from Aberdeen to Dundee, Perth, and Stirling, I was in company of James Farquharson of Balmurle, who had the command of the Rebels at Dundee for a whole evening, and the greatest part of next forenoon.

That the prisoners upon that occasion were treated by him with uncommon discretion and humanity. That I never heard of his exacting money or taking horses or arms from any of his Majesty's subjects. That I heard him at great length and in very strong terms express his detestation against all the violent measures and lawless exactions of the rebels.

That he declared at that time that it was entirely contrary to his advice and inclination to detain or harass any prisoners. That in consequence of this he wrote along with the prisoners a very pressing letter to Lord Strathallan, who commanded the rebels at Perth, advising him to dismiss us, and I remember the reason he gave for it was that some of the prisoners had done nothing for which they could be punished by any law then in being ; even supposing that they, the rebels, should succeed, he thought it both idle and cruel to harass or detain them.

That I was likewise well assured that he afterwards in person insisted very strongly both at Perth and at Stirling to have the prisoners released.

That as far as I have heard he has behaved with great submission since the Rebellion was over, and I have been assured by a great many who conversed with him that he has all along expressed a just sense of the clemency and mildness of the Government.

As I am persuaded that he will for the future prove a most grateful and dutiful subject, I think myself obliged in justice to attest the truth of the above facts, that a proper representation thereof may be laid before his most sacred majesty. (Signed) JO. CHALMERS.

## VI.

I, James Paterson, Wryter in Stirling, late Sheriff-Depute of Stirling-shire, [hearing] that an indictment for high treason committed in the year 1745 has been found before a Grand Jury at Edinburgh against James Farquharson of Balmoral, I think myself bound in justice and out of regard to truth to certify and declare that when he was in this place in January 1746, he behaved with the greatest humanity to my family where he lodged, and protected my house and effects from all injury as far as lay in his power, and when anything happened that tended to hurt my family regretted to my wife he was not able to go about to get her redress, but sent several times to the Duke of Perth and told him if his quarters were not protected he would apply elsewhere, which had its effect. All this I have from my wife, who signs with me.

And further, when provisions in the family were turning scarce, he desired my wife to tell her friends in the country to send what she wanted directed to his care, and told his servants to see that they meddled with nothing that was in the house or came to it, or if they did he would punish them severely. By which my wife was not only plentifully provided in all necessaries, but able to assist several of his Majesties armie who had been taken by the Rebels, and were at that time prisoners at Stirling; and my wife declares she never heard him, the said James Farquharson, speak a disrespectful word of his Majesty King George, but reproved others when they did so: saying that he was still King of Britain, and that they were damnably impertinent for speaking disrespectfully of him in his company and presence. In witness whereof I and my said spouse have subscribed these presents at Stirling this third day of December one thousand seven hundred and forty eight.

(Signed) JA: PATERSONE.  
ELIZ: PATERSON.

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1895

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## NINTH REPORT BY THE COUNCIL.

*Approved at the Ninth Annual General Meeting of the New Spalding Club,  
held on Friday, 20th December, 1895, at 3 p.m.*

SINCE the last General Meeting of the Club, held on Friday, 21st December, 1894, one volume has been issued to Members :—

I.—HISTORICAL PAPERS RELATING TO THE JACOBITE PERIOD,  
1699-1750. Edited by Colonel James Allardyce,  
LL.D. Vol. I. (Pp. l. + 338, with eleven plates.)

An unfortunate delay in the preparation of a plate has prevented the simultaneous distribution of the other volume assigned to 1895, which, however, is otherwise ready, and will soon be issued, viz. :—

II.—MUSA LATINA ABERDONENSIS. Vol. II. Arthur  
Johnston's Epigrammata and the remaining secular  
poems. Edited by Principal Sir William D.  
Geddes, LL.D. (Pp. lvi. + 307, with nine plates.)

From the unexpected accumulation of material in Colonel Allardyce's hands, it was found necessary to devote two volumes to the work edited by him. The second is in an advanced state of preparation.

For next year the Editorial Committee have approved the issue of :—

I.—HISTORICAL PAPERS RELATING TO THE JACOBITE PERIOD, 1699-1750. Edited by Colonel James Allardyce, LL.D. Vol. II. Of this volume 142 pages are already printed off and eight plates are also in readiness.

II.—FASTI ACADEMIAE MARISCALLANAE. SELECTIONS FROM THE RECORDS OF MARISCHAL COLLEGE AND UNIVERSITY. Edited by the Secretary. Vol. II. The first volume, issued in 1889, dealt with the endowments of the College. The second will contain the lists of officers, graduates and alumni, 1600-1860, which have been transcribed from the original records by the Editor ; together with extracts from the Visitations of the College, from the Minutes of the Senatus, and from the Council Register of the burgh of Aberdeen. As noted in former Reports, illustrations for this volume have been presented by the late Dr. Francis Edmond (of the Heraldic Ceiling of old Marischal College), by Dr. Alexander Cruickshank (of his father, Professor John Cruickshank), by Dr. Joseph Ogilvie (of Dr. James Melvin), and by Surgeon-Colonel Johnston (of his collateral ancestor, Professor William Johnston). The Editorial Committee have further approved the inclusion of portraits of a few others of the many eminent teachers and alumni of the College, to be selected from such as the following list suggested by Professor Masson: John Arbuthnot, Neil Arnott, James Beattie, Bishop Gilbert Burnet, James Burnett (Lord Monboddo), John Hill Burton,

Principal George Campbell, William Dyce, James Gibbs, Robert Gordon of Straloch, James Gregory, Field-Marshal James Keith, Sir James M'Grigor, Colin Maclaurin, James Clerk Maxwell, Sir James Outram, Thomas Reid, John Skinner.

The issues for 1897 will be selected from among the following, the first twelve of which are in progress under their respective editors:—

- III.—BIBLIOGRAPHY OF THE SHIRES OF ABERDEEN, BANFF AND KINCARDINE. Edited by A. W. Robertson, M.A., Librarian of the Public Library, Aberdeen. The works that come within the Editor's scope are : (1) Those which have been printed and published in the district ; (2) those which treat of it in its historical, topographical, or other relations ; (3) those which owe their origin to authors born or, at the date of publication, resident in the district, though these works may have been published elsewhere. Contributions to magazines or similar works, which have not been issued in separate form, broadsheets, and the works (published elsewhere) of authors who may be related to the district but are not themselves natives of it, are meanwhile not included. The volume will be illustrated with facsimiles and portraits.
- IV.—FOLKLORE OF NORTH-EASTERN SCOTLAND. Edited by the Rev. Walter Gregor, LL.D., Bonnyrigg.
- V.—DIARY OF THE SCOTS COLLEGE AT DOUAI, AND NECROLOGIES OF THE SCOTS COLLEGES AT RATISBON AND PARIS. Edited by the Rev. W. Forbes-Leith, S.J., Selkirk.

- VI.—REGISTER OF THE SCOTS COLLEGE AT ROME. Edited by the Right Rev. Monsignor Campbell, D.D., Rector of the College.
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- VIII.—HISTORY OF THE FAMILY OF BURNETT. Edited by the late Lyon, George Burnett, LL.D.
- IX.—PLACE NAMES OF ABERDEENSHIRE. Edited by James Macdonald, Huntly.
- X.—RECORDS OF THE PRESBYTERY OF ALFORD, 1662-88. Edited by the Rev. Thomas Bell, M.A., Minister of Keig.
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- XII.—PAPERS OF DAVID SKENE, M.D. Edited by J. W. H. Trail, M.D., F.R.S., Professor of Botany in the University of Aberdeen.
- XIII.—RECORDS OF OLD ABERDEEN. Edited by Alexander M. Munro. This will incorporate the more reliable portions of Orem's work, with extracts from the records of the Town Council (from 1602); Trades (from 1608); Kirk Session (from 1621); Merchant Society (from 1686), etc.
- XIV.—COLLECTIONS ILLUSTRATIVE OF THE HISTORY OF KINCARDINESHIRE OR THE MEARNs. Edited by the Rev. Douglas Gordon Barron, B.D., Minister of Dunottar.

XV.—COLLECTIONS ILLUSTRATIVE OF THE HISTORY OF  
FORFARSHIRE OR ANGUS.

XVI.—THE MISCELLANY OF THE CLUB. Vol. II. For  
this several interesting papers have been promised.

XVII.—HISTORY OF THE FAMILY OF FORBES.

XVIII.—RECORDS OF THE MATURIN, DOMINICAN, CARMELITE,  
AND FRANCISCAN FRIARS OF ABERDEEN, 1211-1560.

XIX.—ICONOGRAPHIA SCOTICA SEPTENTRIONALIS ; being a  
*catalogue raisonné* of extant portraits, original or  
engraved, of eminent persons connected with the  
North of Scotland ; with reproductions of selected  
portraits. It is intended to issue a circular letter  
to members of the Club and others likely to be  
interested in this work, inviting information and  
co-operation.

The Treasurer is again able to report no members as in  
arrears : 494 subscriptions having been paid for the year 1895,  
while there are six Life Members. The total receipts, since  
the Club was resuscitated in 1886. amount to £4973 4s. 7d.  
(including £63 in compositions from the Life Members) : the  
total expenditure amounts to £4407 16s. 8d.

Since the last Report was submitted by the Council, ten  
members of the Club have died : the Rev. William Christie,  
Marnoch ; Mrs. Coutts, Banff ; Mr. Alexander Davidson of Dess  
(an original member of the Spalding Club and a member of the  
Council of the New Spalding Club) ; Mr. Edward Fisher, New-  
ton Abbot ; Mr. William Gordon, Aberdeen ; the Rev. John  
Brodie Innes of Milton Brodie ; Major John Ramsay of Barra (a  
member of the Council) ; Mr. George Thompson of Pitmedden  
(another original member of the Spalding Club) ; Mr. John C.

Thomson, Stonehaven ; Mr. James Walker, Aberdeen ; all members in their several spheres much and justly regretted.

Of the original members of the old Spalding Club, founded 23rd December, 1839, only three now survive, all members of the New Spalding Club.

The representatives of the deceased members have, in several cases, expressed a wish to join the Club, but in others the vacancies are still unfilled, and the Secretary will receive applications for admission.

The Council would acknowledge their continued obligation to the Society of Advocates for permitting the Annual General Meeting of the Club to be held in the Society's Hall ; and to the Public Library Committee, and the Curator of the University Library, for granting the use of rooms for Committee Meetings.

WM. D. GEDDES, C.

## ABSTRACT

Framed from the Annual Accounts of the Club for the period from  
17th December, 1894, to 12th December, 1895.

## THE CHARGE.

Assets at close of Last Account, . . .	£516 10 9
Subscriptions for year 1895,* . . .	510 6 0
Subscriptions for year 1896, . . .	9 9 0
Subscription for year 1887, . . .	1 1 0
Payments by members for back volumes, .	8 18 6
Bank Interest, . . . . .	7 13 11
Amount of the Charge, . . . . .	<u>£1053 19 2</u>

## THE DISCHARGE.

## 1895. I. MISCELLANEOUS ACCOUNTS PAID.

Jan. 8. Grosvenor, Chater & Co. (per Edmond & Spark), . . .	£109 0 7
„ 16. T. & R. Annan & Sons, Glasgow, .	0 12 1½
„ 24. Rev. Walter Gregor, LL.D., . . .	7 9 10
Feb. 19. Thomas Moring, London, . . .	1 3 8½
May 29. Edmond & Spark, . . . . .	5 5 0
June 3. A. King & Co., . . . . .	4 19 9
„ 17. T. & R. Annan & Sons, . . . . .	16 10 0
July 29. Miss M. Craig, . . . . .	0 15 6
Nov. 23. Milne & Hutchison, . . . . .	73 19 1
„ „ T. & R. Annan & Sons, . . . . .	33 0 0
„ 25. Edmond & Spark, . . . . .	0 7 5
Dec. 11. Edmond & Spark, . . . . .	43 6 0
„ A. King & Co., . . . . .	84 17 5
„ Taylor & Henderson, . . . . .	6 10 0
„ G. W. Wilson & Co., Ltd., . . . . .	61 11 0
	<u>£449 7 5</u>
Forward, . . . . .	£449 7 5

\* Note.—At the close of the account the membership of the Club stood as follows:—

Life members, . . . . .	6
Members that paid for 1894 during period of last account, . . .	8
Do. do. do. present account, . . .	486
Total, . . . . .	<u>500</u>

Brought forward, £449 7 5

## II. SECRETARY AND HONORARY TREASURER.

Secretary's Salary, 1894-95, . . . .	£26 5 0	
Secretary's Postages, 18th Dec., 1894, to date, . . . .	6 7 8	
Hon. Treasurer's sundry outlays, including		
Insurance on paper, etc., . . . .	6 11 2	
	<hr/>	39 3 10

## III. ASSETS AS AT 12TH DECEMBER, 1895.

Deposit Receipt with Town and County		
Bank, Ltd., dated 12th December, 1895,		
being Composition received from six		
Life Members (see footnote on preced-		
ing page), . . . . .	£63 0 0	
Five do., with do., of same date, . . . .	502 7 11	
	<hr/>	565 7 11

Amount of the Discharge, equal to the Charge, £1053 19 2

*Note 1.*—It should be observed that £36 13s. 7d. of the cost of "Hist. Papers," Vol. I., appeared in last year's Abstract; and that the cost of the binding, packing, and carriage of "Musa Lat. Aberd.," Vol. II. (probably about £41), will appear in next year's Abstract. On the other hand, £21 16s. 1d. has this year been paid on account of a volume assigned to 1896.

*Note 2.*—The Miscellaneous Disbursements above are allocated as follows:—

### I. "HISTORICAL PAPERS." VOL. I.

Paper, 13 reams (for printing 180 pp.), . . . . .	£28 7 0	
Printing: Milne & Hutchison, 49 sheets, per estimate, . . . .	69 16 6	
" " " Corrections, etc., . . . . .	4 2 7	
Illustrations: Wilson, . . . . .	48 13 0	
Binding: Edmond & Spark, Cases, per estimate, . . . . .	22 1 8	
" " " Add for Extra Plates, etc., . . . . .	4 7 9	
" " " Brass Stamp for Lettering, . . . . .	0 13 0	
Packing, . . . . .	4 5 11	
Carriage, . . . . .	10 5 0	
	<hr/>	*£192 12 5

\* Together with £36 13s. 7d. from last account: in all £229 6s. 0d.



## II

### II. "MUSA LATINA ABERDONENSIS." VOL. II.

Paper, 27 reams (for printing 376 pp., including Report, etc.),	£58 17 6
Printing: King & Co., 45½ sheets, per estimate,	64 16 9
" " Extra for Small Type, etc.,	11 7 0
" " Corrections,	8 13 8
Illustrations: Annan,	33 0 0
" Wilson,	12 18 0
" Taylor & Henderson,	6 10 0
	<hr/>
	£196 2 11

### III. "HISTORICAL PAPERS." VOL. II.

Paper, 10 reams (for printing 142 pp.),	21 16 1
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### IV. SUNDRIES.

Repaid Rev. Walter Gregor's Outlays,	£7 9 10
Printing Reports, Circulars, etc.,	4 19 9
Miscellaneous Transcribing, Photographing, etc.,	17 17 7½
Stationery, etc.,	8 8 9½
	<hr/>
	38 16 0
	<hr/>
Amount of Miscellaneous Disbursements, as above,	£449 7 5

## RULES.

*(As altered, 21st December, 1894.)*

1. The objects of the New Spalding Club shall be to promote the study of the History, Topography, and Archæology of the North-Eastern Counties of Scotland, and to print works illustrative thereof.
2. The Club shall consist of five hundred members, subscribers of one guinea annually: each subscription to be paid on or before the first day of January in each year.
3. The general management of the affairs of the Club shall be vested in a Council, consisting of a President, at least ten Vice-Presidents, and not fewer than forty ordinary members, including a Secretary and a Treasurer: all to be chosen yearly at a General Meeting of the Club, to be held at Aberdeen, in the Month of October, or at such other time within each year as may be found convenient. At all Meetings of the Council seven members shall form a quorum.
4. Immediately after the Annual General Meeting the Council shall elect Acting Committees to carry on the work of the Club.
5. The accounts of the Club shall be audited annually, by two Auditors, to be chosen at the Annual Meeting from among the members.
6. The name of any member in arrear with his annual subscription on the first day of October in each year may be removed from the list of members.
7. Vacancies in the membership shall be filled up according to priority of application.
8. Members may, at any time, compound for all future annual subscriptions, by payment of ten guineas over and above the subscription for the current year; and it shall be in the power of the Council to exempt from subscriptions, annual or other, any member who may present to the Club a work, the printing of which, as a Club publication, has been sanctioned by the Council.
9. Every member shall receive one copy of every volume assigned by the Club to the years for which he has paid subscriptions; and the editor of each work shall receive five additional copies of his work. The heir, executor or representative of a member shall have no claim to volumes issued by the Club after the member's death, unless he be admitted a member of the Club in place of the deceased.

10. The number of copies printed in each case shall not exceed five hundred and twenty-five, and no copy of any work printed by the Club shall be offered by it for sale.
11. The Club shall undertake the issue of its books without the intervention of publishers or booksellers.
12. A General Meeting of the Club may be called at any time on presentation to the Secretary of a requisition signed by twenty members; and the above rules may be altered at any General Meeting, provided that the members have received from the Secretary at least fourteen days' notice of the proposed change.

## WORKS ISSUED BY THE NEW SPALDING CLUB.

- 1887 { MEMORIALS OF THE FAMILY OF SKENE OF SKENE, FROM THE FAMILY PAPERS,  
WITH OTHER ILLUSTRATIVE DOCUMENTS. Edited by William Forbes  
Skene, D.C.L., LL.D., Her Majesty's Historiographer for Scotland. (Pp.  
269 + xv., with six full-page plates. First Annual Report.)
- CARTULARIUM ECCLESIAE SANCTI NICHOLAI ABERDONENSIS. Recognovit Jacobus Cooper, A.M., in Ecclesia supradicta Presbyter. Tomus prior. (Pp. 278 + xix., with three plates. List of members, 11th November, 1887.)
- 1888 LACUNAR BASILICAE SANCTI MACARII ABERDONENSIS: The Heraldic Ceiling of the Cathedral Church of St. Machar, Old Aberdeen. Described in Historical and Armorial Detail by William Duguid Geddes, LL.D., and Peter Duguid. (Pp. 172 + xix., with thirty plates, twenty-four in heraldic colours. Second Annual Report.)
- 1889 FASTI ACADEMIAE MARISCALLANAE: Selections from the Records of the Marischal College and University, MDXCIII-MDCCCLX. Edited by Peter John Anderson, M.A., LL.B. Vol. I. Endowments. (Pp. 577 + xxxi., with five plates.)
- 1890 { SELECTIONS FROM WODROW'S BIOGRAPHICAL COLLECTIONS: Divines of the  
North-east of Scotland. Edited by the Reverend Robert Lippe. (Pp.  
360 + lxxxv., with two plates. Third Annual Report.)
- THE MISCELLANY OF THE NEW SPALDING CLUB. Vol. I. (Pp. 391 + lxii. Fourth Annual Report. List of members, 12th December, 1890.)
- 1891 { CARTULARIUM ECCLESIAE SANCTI NICHOLAI ABERDONENSIS. Recognovit Jacobus Cooper, S.T.D. Tomus alter. (Pp. 496 + lxvi., with twelve plates,  
eight in colour.)
- THE ANNALS OF BANFF. Compiled by William Cramond, M.A., Schoolmaster of Cullen. Vol. I. (Pp. 385 + xv., with nine plates.)
- 1892 { MUSA LATINA ABERDONENSIS: Arthur Johnston. Vol. I. The Parerga of  
1637. Edited by Sir William Duguid Geddes, LL.D. (Pp. 318 + xxiv.,  
with six plates. Fifth Annual Report.)
- THE ANNALS OF BANFF. Compiled by William Cramond, M.A., LL.D. Vol. II. (Pp. 498 + xi., with eleven plates. Sixth Annual Report.)

- OFFICERS AND GRADUATES OF UNIVERSITY AND KING'S COLLEGE, ABERDEEN,  
MVD.-MDCCCLX. Edited by Peter John Anderson, M.A., LL.B. (Pp.  
399 + xx., with four plates.)
- 1893 { HECTORIS BOETHII MURTHLACENSII ET ABERDONENSII EPISCOPORUM VITAE.  
Edited and Translated by James Moir, M.A., LL.D., Co-Rector of Aber-  
deen Grammar School. (Pp. 210 + xx., with two plates. Seventh Annual  
Report. List of members, 30th June, 1894.)
- 1894 THE RECORDS OF ABOYNE, MCCXXX.-MDCLXXXI. Edited by Charles, 11th  
Marquis of Huntly, Earl of Aboyne, etc., P.C., LL.D. (Pp. 590 + xlv.,  
with eleven plates.)
- 1895 { HISTORICAL PAPERS RELATING TO THE JACOBITE PERIOD, 1699-1750. Edited  
by Colonel James Allardyce, LL.D. Vol. I. (Pp. 338 + l., with  
eleven plates.)
- MUSA LATINA ABERDONENSIS: Arthur Johnston. Vol. II. The Epigrammata  
and remaining secular Poems. Edited by Sir William Duguid Geddes,  
LL.D. (Pp. 308 + lvi., with nine plates. Eighth Annual Report.)
- 1896 { HISTORICAL PAPERS RELATING TO THE JACOBITE PERIOD, 1699-1750. Edited  
by Colonel James Allardyce, LL.D. Vol. II. (*In the press.*)
- FASTI ACADEMIAE MARISCALLANAE: Selections from the Records of Marischal  
College and University, MDXCIII.-MDCCCLX. Edited by Peter John  
Anderson, M.A., LL.B. Vol. II. (*In the press.*)











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